

# i nterpretation

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# Mill's Dilemmas

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John Stuart Mill's essay *On Liberty* is acknowledged to be a classic in the literature of liberal democratic theory. It addresses concerns which continue a century and a quarter later to be considered both important and endangered in our society. One thing which has changed over that time, however, is that the position Mill there argues for, and even the arguments themselves, seem to "go without saying" to a contemporary American reader, while in the essay Mill clearly and correctly understands himself to be arguing a case which is by no means yet generally conceded. Perhaps it is not unfair to say that this shows that he won his case. But Mill also lost, in important respects, the case he wanted to argue, because of the way in which he was forced to formulate his arguments. There is a deep ambivalence in his thought on the subject of liberty, an ambivalence which reflects the ambiguity of his attitude toward democratic society. He found himself drawn both ways at a time of transition, wanting to secure liberty of discussion and action, wanting also to retain traditional wisdom and to provide for the need of the many for guidance.

In the formulation of his arguments, the traces of this ambivalence can be seen in the internal inconsistencies into which he is led, and in which he is forced to yield priority finally to freedom. It is instructive for us today, when the arguments for freedom are the conventional wisdom, to reflect on the logic of the argument at a time when the alternatives had not yet been occluded. As Mill himself observed, if we cannot do this our conventional wisdom tends to become a dead dogma. There is an irony lurking hereabout.

The overall object of his essay is "to assert one very simple principle," namely, "that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection." This is not, for Mill, an anarchic principle: he acknowledges that both negative and positive rules of conduct may legitimately be imposed, since "all that makes existence valuable to anyone depends on the enforcement of restraints upon the actions of other people." In past centuries, those "other people" were the rulers of the political community, and the pursuit of liberty led to constitutional curbs on their actions. But now government belongs to the people, and it is harder for the people to see that their powers also need to be restrained. The essay undertakes to demonstrate to the new collective sovereign the potential benefit of such prudent self-restraint.

*On Liberty* has been called "a defense of liberty against democracy" (Sa-

bine), but that is inaccurate since as a utilitarian Mill is aiming at showing the usefulness for a democratic people of their allowing maximal—indeed absolute—liberty of discussion and of (self-regarding) action.

There are three issues where the ambivalences in Mill's position are clear and traceable. They are: the case for liberty of thought and discussion, for the place of tradition in social institutions, and for the scope of democratic liberty. These issues are interrelated, but they are sufficiently distinct in his formulations to allow of separate analysis.

## I

A familiar argument for protecting freedom of speech for all shades of opinion is that only with such protection will the as-yet-unrecognized truth have a chance to be heard and to exhibit its ascendancy. As Milton wrote in the *Areopagitica*:

. . . though all the winds of doctrine were let loose to play upon the earth, so truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; whoever knew truth put to the worse in free and open encounter? Her confuting is the best and surest suppressing. [*Complete Prose Works of John Milton*, Vol. II (Yale, 1959), p. 561. Subsequent references: pp. 501, 565.]

The metaphor of contest here may seem to leave unclear whether there is any spectator's role in assaying "put to the worse" or whether truth unqualifiedly exhibits its strength by forcing falsehood to admit its defeat. Is the outcome of the contest decided by an expert judgment, or is it simply an evident fact that false doctrine is driven from the field?

The answer to this question seems to be unclear in the *Areopagitica*. Perhaps a hint is given by the fact that Milton cites approvingly the practice of the Christian emperors of Rome not to prohibit the books even of those they took to be "grand heretics" until such works were "examined, refuted and condemned in the general councils." He was opposing prior censorship on the ground that virtue and knowledge require the exercise of contending, and his confidence is in truth and virtue winning out in the field of public discussion. That he thought the issue determinable through public discussion is clear from the fact that he thought it subsequently justifiable to suppress such works as were "impious or evil absolutely, either against faith or manners." His defense is for the expression of "neighboring differences . . . in some point of doctrine or of discipline."

Milton's argument, in its conventional form, may be articulated as follows:

1. It is better to have true than false opinions.
2. Your present opinion may be false.

3. Truth not-yet-known will have no opportunity to overcome falsehood, if we silence the expression of differing (“neighboring”) opinions.  
Therefore, we should not silence in advance the expression of differing opinions.

Mill’s argument is similar to this, and many readers would accept the above as a summary statement of his position. What makes his argument distinct, however, is the way in which he reformulates the second and third premises:

- 1a. It is better to have true than false opinions.
- 2a. Your present opinion may be false and you cannot be certain whether it is or not.
- 3a. The “opportunity of exchanging truth for error” will not arise if we silence the expression of any opinion.

The problem which arises from the conjunction of these reformulated premises can easily be seen if we think of a situation in which we have taken part in a free discussion and exchanged our original opinion for a new one which emerged in the course of the debate. Have we exchanged error for truth? Possibly. Can we know that the new opinion is true? Not if the added phrase in 2a is correct. We can indeed exchange one opinion for another, but we cannot confirm that the new opinion is true. We are, in fact, still in the situation described by 2a, and the exchange proposed by 3a turns out to be illusory.

Is 2a an accurate formulation of Mill’s premise? It appears so on the basis of statements such as the following:

We can never be sure that the opinion we are endeavoring to stifle is a false opinion (229) [All page references are to *The Collected Works of John Stuart Mill*, Vol. XVIII (Toronto: University of Toronto Press, 1977)].

Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right (231).

To call any proposition certain while there is anyone who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty and judges without hearing the other side (233).

· the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course, deny its truth; but they are not infallible (229).

If 2a is Mill’s premise, and if it is accepted, then it seems to follow that complete freedom of discussion, i.e., not refusing to allow the expression of any opinion, is the prudent program. For if our present opinion may be false without our knowing it, then only by entering into some situation where we may exchange it for a true (or more true) opinion can we progress toward the desired state of having true rather than false opinions.

The question is whether this argument constitutes a satisfactory justification for freedom of discussion. On the one hand, the argument tries to justify freedom of discussion as an indispensable means of exchanging error for truth. On the other hand, it aborts any possibility of knowing that that exchange has taken place. This would be an undesirable enough conclusion. But the reformulated argument has a corollary consequence: it is equally likely that we shall exchange truth for error, if we cannot recognize the coinage.

This possibility, which Mill does not explicitly consider, is excluded by the Miltonian argument on the ground that if the truth is in the field, it will reveal its power (i.e., we will recognize it). It seems either a curious omission or a suspicious one that Mill does not address the exchanging of truth for error as a possible outcome of free discussion. He considers three conceivable situations in which we might be tempted to refuse free expression to the opposing opinion:

1. Our opinion is false.
2. Our opinion is true.
3. Our opinion is partially true.

In each case, he tries to show, it will be to our advantage if we allow free expression to the opposing opinion. Either:

1. We will “give the truth a chance of reaching us” (232), or
2. We will have the chance to improve our understanding of the truth we hold, to gain “a clear apprehension and deep feeling of its truth” (252), or
3. We may increase the extent of truth in our opinion, since “it is only [sic] by the collision of adverse opinions that the remainder of the truth has any chance of being supplied” (258).

Each of these arguments requires, to be persuasive, the implicit assumption that the exchange will generally go only in one direction. But thus far we have been given no grounds for believing that this is the case and no means for ascertaining that it is.

Why does he resist conceding that we can know that the desired exchange has taken place? Because if he conceded that, he would be conceding that we could recognize the truth (as that which won the contest) and then there would be nothing to say for the false opinion. We would be in a position such as we are in mathematics, “where there is nothing at all to be said on the wrong side of the question” (244). The wrong opinion could then, in principle, be denied access to public discussion. Hence to concede this would be to fall into the hands of his opponents. So Mill stands fast on the claim that, while our opinion may in fact be true, we cannot know it to be so.

Whether Mill is aware of the difficulties with this argument for absolute and

unlimited freedom of discussion and merely preserved a discreet silence, because to admit them would be to strengthen the forces of darkness, or whether they escaped his notice is hard to say. He is certainly careful in his wording never to say that truth *will* emerge from free discussion, but only that it can.

Consider, then, a second possible ground for advocating freedom of discussion: if we cannot determine in particular cases whether the opinion which wins acceptance is true or false, perhaps there is some reason to think that, whether we can recognize it or not, truth will always prevail, just as yet unknown galaxies will be governed by the inverse-square law. But Mill denies that there are any a priori grounds for assuming that the truth will always win out over any odds:

the dictum that truth always triumphs over persecution is one of those pleasant falsehoods which men repeat after one another till they pass into commonplaces, but which all experience refutes (238).

It is a piece of idle sentimentality [sic] that truth, merely as truth, has any inherent power denied to error of prevailing against the dungeon and the stake (238).

So thus far two possible defenses of the utility of free discussion have proved unhelpful. If we can never *know* our opinion to be true, what we can hope for from free discussion is that our opinion after discussion will de facto be true rather than false. However, Mill has also denied that there are any a priori grounds for thinking this to be so: truth doesn't always win. So perhaps the most we can aspire to is that our opinions will in fact be largely true rather than false. Do we have any a posteriori reasons to think that *this* is true?

Mill does think that our opinions are more correct than not:

Why is it, then, that there is on the whole a preponderance among mankind [sic] of rational opinions and rational conduct? If there really is this preponderance—which there must be unless human affairs are, and have always been, in an almost desperate state—it is owing to a quality of the human mind, the source of everything respectable in man either as an intellectual or as a moral being, namely, that his errors are corrigible. The whole strength and value, then, of human judgment depending on the one property, that it can be set right when it is wrong, reliance can be placed on it only when the means of setting it right are kept constantly at hand (231).

It is not just that we change our mind, but that it is “set right.” How does that come about? “Wrong opinions and practices gradually yield to fact and argument,” provided that facts and arguments are brought before the mind, i.e., that a person or a multitude is willing to listen to what can be said against the current opinion. Indeed anyone who has done this, who has sought out objections and difficulties to his position, “has a right to think his judgment better than that of any person, or any multitude, who have not gone through a similar process” (232).

Progress has been made in replacing “wrong” opinions with “rational” opin-

ions. (Presumably “rational opinions” can’t mean merely “opinions arrived at by using our reason,” it must mean “right” opinions.) How do we know that such progress has been made? If our belief in the claim that progress has been made is not to be a blind faith, it must rest on evidence that the process of free discussion by its very nature produces the rectification of our opinions (a priori justification), without our being able to discern that they are right; or, that we can see that in fact it has worked, i.e., we can recognize at least some of the truths which it has accumulated (a posteriori justification). As noted above, Mill rejects any notion that, in the nature of the case, truth will always win out.

He therefore strengthens his argument for progress—and weakens his overall logic—by proceeding to affirm the second disjunct. We do indeed know many (once-controverted) opinions to be true:

The real advantage which truth has consists in this, that when an opinion is true, it may be extinguished once, twice, or many times, but in the course of ages there will generally be found persons to rediscover it, until some one of its reappearances falls on a time when from favorable circumstances it escapes persecution until it has made such head as to withstand all subsequent attempts to suppress it (239).

But, indeed, the dictum that truth always triumphs over persecution is one of those pleasant falsehoods which men repeat after one another till they pass into commonplaces, but which all experience refutes. History teems with instances of truth put down by persecution. . . (238).

It is hard to see how this last sentence can be otherwise interpreted than as entailing the factual claim that Mill has a (large?) number of opinions in view which he recognizes as truths and about which it is true that they have not always triumphed over persecution.

How does he get himself into this inconsistency? Because, it would seem, on the one hand he perceives that the argument for free discussion cannot be made unless we can *see* that free discussion does, in the long run, result in the ascendancy of what is true, and that in fact we *have* come to see that many opinions are true. On the other hand he is led to deny this fact elsewhere in the essay, and this for two reasons.

One, mentioned above, is that it would seem to justify, or at least to disarm objections to, not allowing free expression to opinions we know to be false:

To call any proposition certain, while there is anyone who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty, and judges without hearing the other side (233).

The second reason is that he is impressed, or wants his readers to be impressed, by the claim that

it is as evident in itself, as any amount of argument can make it, that ages are not more infallible than individuals—every age having held many opinions which subse-

quent ages have deemed not only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present (230).

Passing over the question whether this claim is self-evident and as certain as any amount of argument can make it, the argument seems as inconclusive as that of Descartes against the reliability of sense-perception. Any particular perception can be judged to have been illusory only by relying on the veridicality of another perception. Hence the illusory character of some perceptions cannot provide a ground for concluding that all perceptions may be unreliable. Similarly in Mill's case, the only way in which we can know that earlier opinions are false is by knowing that their negations are true.

It might be objected that this criticism misreads the last quotation, since Mill is there careful to speak of "opinions which subsequent ages have *deemed* . . . false" and of "opinions, now general," rather than speaking of false and true opinions. That is, the objection correctly notes that his point is formulated in descriptive language which does not entail an assessment of opinions held then or now. But this objection is narrowly based, if we consider the quotation cited earlier, "History teems with instances of truth put down by persecution . . ." So the objection cannot be that Mill always eschews the assessment of opinions in terms of their truth or falsity.

Perhaps we could maintain the objection by responding that this remark about "instances of truth" is an incautious or imprecise expression and should have been stated as "instances of what was taken for the truth . . ." or "instances of apparent truth . . ."?

But then what sense could be made of a passage quoted earlier, viz, "The real advantage which truth has consists in this, that when an opinion is true . . ."? Could this be more carefully and precisely expressed as: "The real advantage which an opinion later deemed to be true has . . .", or as "The real advantage which an opinion now generally held has . . ."? It suffices to try to formulate such an alternative expression to see its futility for the purposes of Mill's argument: not only would the claim lose any appearance of being evident, but it would undercut his corollary thesis of the progress of mankind's knowledge of what is true.

Mill is confronted with a dilemma which he muddles through, now grasping this horn, now that. But the dilemma is of his own making. He makes it by posing the issue of free discussion in stark and extreme form: either complete freedom of discussion or assumption of infallibility.

No society in which these liberties are not, on the whole, respected is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified (226). [One may wonder whether these last two adjectives can be used legitimately in the context of a utilitarian argument.]

Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth (231).

To call any proposition certain, while there is anyone who would deny its certainty if permitted . . . is to assume that we ourselves . . . are judges of certainty . . . (233).

The weakness in posing the dilemma in this way can be exhibited by asking whether in fact it is the case that, although “the interests of truth require a diversity of opinions” (257), the diversity has to be, should be, unbounded in order best to serve the likelihood of reaching the truth. Mill cites the practice of the physical sciences to support his case:

If even the Newtonian philosophy were not permitted to be questioned, mankind could not feel as complete assurance of its truth as they now do (232).

But it has been amply shown that in fact this is not the manner in which the physical sciences have operated or do operate. Helpful opinions do not come from “anyone,” but from those properly prepared, informed and familiar with what is already known, and only those are permitted access to the media of discussion. Mill’s position places a premium on what Willmore Kendall called the “dispersal of opinion” as distinguished from the convergence necessary to progress.

To summarize: Mill wants to argue that because we cannot be sure that what we think is true is really true, we should allow every challenge to be made in free and open discussion to our opinion—only thus will the exchange of our false opinion for a true opinion become possible. But this argument is internally inconsistent, for if we cannot recognize a true opinion when we see it, then we cannot know whether we are exchanging truth for falsity or vice versa. The argument is also inconsistent with his historical conclusion that truth generally triumphs in the long run, since this claim requires recognizing a large number of truths. So Mill shuttles back and forth, drawn by the logic of his argument to admit that truths can be recognized, held back from conceding that because it seems to justify placing such truths beyond challenge.

How else might freedom of discussion be justified? Conceivably, one might appeal to an “abstract right” to freedom of expression, a natural right common to all men. He declines this path:

It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions . . . (224).

Conceivably, one might defend freedom of discussion as necessary to reach unanimity of opinion or at least a consensus sufficient to be regarded as the truth. But Mill is too aware of how error has been considered the truth in past ages to accept such surrogates. Lastly, one might consider freedom of discussion necessary for the purely practical purpose of deciding what course of action the community will follow. But in terms of utility, we need only two opinions to get a majority efficiently—the practice of the American political

system. More importantly, Mill would not be satisfied with such a pragmatic warrant for freedom of discussion: he remains a traditional figure in wanting to relate dialogue to truth rather than to action.

If this construal of Mill is fair and correct, he has posed the issue of defending freedom of discussion in terms which leave him no consistent escape from a dilemma. One of his attempts to resolve the problem, as noted above, was to maintain that while we cannot know an opinion to be true when it emerges, it is the case that *de facto*, in the long run, the true opinions which we hold accumulate and predominate over the false opinions. This thesis bears a closer examination in its relevance to the reliance of a society on received opinion, particularly in educating its youth.

## II

As has been observed, Mill thinks that there is on the whole a preponderance among mankind of rational opinions and rational conduct.

As mankind improve, the number of doctrines which are no longer disputed or doubted will be constantly on the increase; and the well-being of mankind may almost be measured by the number and gravity of truths [*sic*] which have reached the point of being uncontested (250).

But if this is both inevitable and indispensable, not all of its consequences are for that reason beneficial. However true an opinion may be, "if it is not fully, frequently and fearlessly discussed, it will be held as a dead dogma, not a living truth" (243).

When there are persons to be found who form an exception to the apparent unanimity of the world on any subject, even if the world is in the right, it is always probable that dissentients have something worth hearing to say for themselves, and that truth would lose something by their silence (254).

What truth would lose, or rather what persons who hold the true opinion would lose, is a better understanding and deeper penetration into its meaning. So not only should the received opinion be "suffered to be . . . vigorously and earnestly contested" (258), we should positively encourage diversity of opinion and even eccentricity (269).

One wonders whether this view is truly thoughtful, and whether the "dispersal of opinion" which it seems to promote will really be useful for a society. One wonders the more when Mill comes to speak about the relevance of tradition for the training of its youth and of its citizens.

it would be absurd to pretend that people ought to live as if nothing whatever had been known in the world before they came into it; as if experience had as yet done nothing toward showing that one mode of existence, or of conduct, is prefera-

ble to another. Nobody denies that people should be so taught and trained in youth as to know and benefit by the ascertained results of human experience (262).

It is through the cultivation of [the most passionate love of virtue and the sternest self-control] that society both does its duty and protects its interests . . . (264).

He unambiguously qualifies these statements by saying that they apply only to young people, and that when persons reach the maturity of their faculties, they must be allowed to pursue their own good in their own way.

So in effect he removes questions about the proper kind of upbringing which young people should have from the realm of free discussion. At least, that seems to be the import of recognizing "the ascertained results of human experience." True, the statement is in the indicative; no one does deny it, but its evidence is reinforced by the comment that it would be "absurd" to maintain that experience cannot exhibit ascertained results.

This position is not unequivocally inconsistent with what he has said earlier about the need to have all received opinions fully, frequently and fearlessly discussed. But it does seem to manifest an ambivalence which stems, once again, from two disparate views to which he is committed. On the one hand, his confidence in progress, or in the improvement of mankind, involves his conviction that on the whole there is a preponderance of rational opinions and conduct among mankind, and this seems to be the basis of his assertion about the ascertained results of experience. On the other hand, those accumulated results of experience can never be pronounced secure, because the sole ground for confidence in them is that they have not yet been refuted.

Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right (231).

So it appears that the absurdity of pretending that "people ought to live as if nothing whatever had been known in the world before they come into it" must be tolerated, indeed encouraged, in order to keep us from believing that the ascertained results of human experience are ascertained. To put it more courteously and perhaps more fairly, one must decide whether confidence in the corrigibility and hence progressive improvement of mankind is sufficient to make reliance on the "ascertained results" of experience reasonable, or whether the reasonability of such reliance rests only on the results being not yet refuted.

The beliefs which we have most warrant for have no safeguard to rest on but a standing invitation to the whole world to prove them unfounded. If the challenge is not accepted, or is accepted and the attempt fails, we are far enough from certainty still, but we have the best that the existing state of human reason admits of . . . (232).

To summarize: the question is, do we know (not merely can we assume) anything about what it is good for human beings to become? Have we ascertained anything which is beyond question about how we should shape the

minds and characters of members of our society, for their good and for that of society as well? To say no is to say that nothing is settled, nothing is known for sure about the good for man, that every generation is in essentially the same position with respect to how to become fuller human beings, that no progress is discernible with surety. Mill rightly calls such a response "absurd." Yet to do so is to place some things beyond the range of fruitful opposition or contradiction. Further discussion can indeed deepen our understanding and increase incrementally our comprehension of what is true about these things; but it cannot lead to the complete overturning of the "ascertained results of human experience."

But this conclusion seems not to concur with the sweeping character of Mill's frequent assurances elsewhere in the essay that nothing can legitimately be held as certain unless we are constantly ready and willing to think that we may be wrong. Should we encourage the vigorous and earnest contesting of the ascertained results of human experience because their surety rests only on such challenge—or is it absurd to think that contesting some results of experience ceases to be useful and tends to become obfuscatory, to cloud our insight rather than to sharpen it?

### III

The third dilemma in which the essay *On Liberty* is entangled is perhaps the one most deeply rooted, not merely in Mill's argument, but in his character, in his sense of the superiority of some minds to others. It pervades the essay, and yet its significance has often been passed over. It is not a dilemma inherent in the logic of his argument, but one emergent in the rhetorical situation of the essay, in the disparity between the case he argues and the audience to which it is addressed.

At the beginning of his considerations, before proceeding to his argument for absolute liberty of opinion and conduct, he carefully notes the limits of the case which he is about to make. It applies "only to human beings in the maturity of their faculties" (224). It does not apply to children or young people below the legal age of adulthood, or to those who need supervision and protection from themselves and others, or to backward states of human society which may legitimately be ruled despotically for their own good.

Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. . . . But as soon as mankind have attained the capacity of being guided to their own improvement by conviction or persuasion, compulsion is no longer admissible as a means to their own good, and justifiable only for the security of others (224).

Maturity of their faculties . . . capable of being improved by free and equal discussion . . . of being guided to their own improvement by conviction or persuasion. These phrases suggest a picture of a society of rational adults, able to profit individually from soberly considering the reasons for thinking or acting which are laid before them. The picture is at variance with a number of caustic comments strewn throughout the essay on the abilities of most people in Mill's society.

. . . on any matter not self-evident there are ninety-nine persons totally incapable of judging it for one who is capable (231).

that miscellaneous collection of a few wise and many foolish individuals called the public (232).

But by far the strongest deprecating of "the vulgar" (271) comes in the context of his discussion of individuality:

. . . the general tendency of things throughout the world is to render mediocrity the ascendant power among mankind. . . . Those whose opinions go by the name of public opinion are . . . in England chiefly the middle class, that is to say collective mediocrity . . . Their thinking is done for them by men much like themselves. I am not complaining of all this. I do not assert that anything better is compatible, as a general rule, with the present low state of the human mind (268).

The least one might say is that these comments seem to present a view of society different from that envisaged in speaking of a time when men "in the maturity of their faculties" are "capable of being improved by free and *equal* discussion." The contrast can be sharpened by adverting to what Mill says about the role of custom. The "free development of individuality is one of the leading essentials of well-being," and it is important, indeed necessary for that, that there "should be different experiments of living."

Where not the person's own character but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress (261).

He who does anything because it is the custom makes no choice. He gains no practice either in discerning or in desiring what is best. . . . He who lets the world, or his own portion of it, choose his plan of life for him has no need of any other faculty than the ape-like one of imitation (262).

Yet a few pages later, in the course of praising "exceptional individuals" who "should be encouraged in acting differently from the mass," he asserts that the reason for this is that

it is important to give the freest scope possible to uncustomary things, in order that it may in time appear which of these are fit to be converted into customs . . . customs more worthy of general adoption . . . (269-70).

There only appears to be an inconsistency here, for in this case the different statements about custom are not due to a break in the logic of his argument.

The difference is traceable rather to the fact that the argument has shifted levels, and that while Mill seems to be pursuing the same line of reasoning with which he began, he has in fact added a dimension to it which radically changes its import. The earlier statements about “capable of being improved by free and equal discussions” made it sound as if he were going to defend freedom of speech and action for the sake of the sensible use which men in general could and would make of it. But although he can hardly be unaware that that is the sense which most would place (and have placed) upon it, that is not the sense which Mill has in mind.

The shift occurs in a single paragraph in the middle of the chapter on individuality, and it is important enough to quote the whole paragraph.

Having said that individuality is the same thing with development, and that it is only the cultivation of individuality which produces or can produce, well-developed human beings, I might here close the argument; for what more or better can be said of any condition of human affairs than that it brings human beings themselves nearer to the best thing they can be? Or what worse can be said of any obstruction to good than that it prevents this? Doubtless, however, these considerations will not suffice to convince those who most need convincing; and it is necessary further to show that these developed human beings are of some use to the undeveloped—to point out to those who do not desire liberty, and would not avail themselves of it, that they may be in some intelligible manner rewarded for allowing other people to make use of it without hindrance (267).

If Plato had had to defend the *Republic* to an audience of the many, he might not have spoken very differently, although his conception of liberty and of “individuality” was very different (Cf. *Rep.* 456e). However that may be, it becomes clear that Mill is defending freedom of thought and action for the sake of those few exceptional individuals who are able to benefit from it, and that that is *for him* sufficient justification for it. But because he lives and writes in a democratic society in which he seeks to persuade those with power—the many—to allow the necessary freedom, he is compelled to add a secondary justification. He must show that freedom for the exceptional individuals may benefit the many, who are, of themselves, incapable of benefitting from it. It is the need for this second justification which leads to the disparate evaluations of custom as a guide to action which were cited above.

How can a freedom which favors the few be good for the many? In the first place, he says, the many might learn something from the few. It is always the few who discover new truths and “set the example of more enlightened conduct and better taste and sense in human life.” These few are the “salt of the earth; without them, human life would become a stagnant pool” (276). But this role requires a complementary one on the part of the many.

No government by a democracy or a numerous aristocracy . . . ever did or could rise above mediocrity except in so far as the sovereign Many have let themselves be guided (which in their best times they have always done) by the counsels and

influence of a more highly gifted and instructed *one* or *few*. The initiation of all wise or noble things comes and must come from individuals. . . . The honor and glory of the average man is that he is capable of following that initiative . . . (269).

The reason for Mill's differing statements about custom thus becomes clear, as does a common misreading of the essay. From the beginning, he has not been concerned to defend the benefit of freedom for every individual (or even most individuals), but rather to defend the position that only a society which offers such freedom to the few can allow (some) human beings to come nearer to the best thing they can be. Pursuing this defense in a democratic society requires an attention to the rhetorical context: it must be shown (if possible) that such freedom allowed to the few will profit the many. But Mill flatters his audience in the opening chapter by letting it be understood that he is speaking in the name of all the citizens (all those in the "maturity of their faculties").

Thus, when in the opening pages of *On Liberty* he speaks of his argument as applicable to a time when mankind "have attained the capacity of being guided to their own improvement by conviction or persuasion" (224), he surely understands the term "guided" in the sense in which it is used in the last (indented) quotation, and not in the sense that they could guide themselves to their own improvement. On the contrary, Mill clearly did not believe that most people were capable of profiting individually from sharing in free and equal discussion or freedom of action, but rather that by allowing those capable of profiting under such conditions to do so, and by exercising the "ape-like" faculty of imitation, "customs more worthy of general adoption may be struck out" (270).

Why then did he couch his argument in terms which appear to be defending the benefit of liberty of discussion and action for everyone? At one point he concedes that such unlimited scope (excluding only children, etc.) is not logically required.

If not the public, at least the philosophers and theologians who are to resolve the difficulties must make themselves familiar with those difficulties in their most puzzling form . . . (246).

The Catholic Church, he observes, "makes a broad separation between those who can be permitted to receive its doctrines on conviction and those who must accept them on trust." It thus allows "to the elite more mental culture, though not more mental freedom, than it allows to the mass." But in Protestant countries, in theory at least, the responsibility must be borne by the individual.

Besides, in the present state of the world, it is practically impossible that writings which are read by the instructed can be kept from the uninstructed. If the teachers of mankind are to be cognizant of all that they ought to know, everything must be free to be written and published without restraint (247).

In times past, illiteracy and the use of Latin as the language of learned discourse served to restrict the open discussion of received opinion and custom. In

our day, widespread literacy and the use of the vernacular make this restriction practically impossible to implement. (In fact, the use of the *Index Librorum Prohibitorum* sought to extend this “broad separation” beyond the time in which it seems to Mill, writing in a Protestant country, to be practically possible.) Hence the case for the utility of freedom of discussion and action for the few capable of profiting from it must willy-nilly be extended to all.

He acknowledges that this is not an unmixed blessing. The harm which individuals may do themselves, when this freedom is granted to those not capable individually of profiting from it, is an “inconvenience” which “society can afford to bear for the greater good of human freedom” (282). Mill attempts to mitigate the unfortunate consequences of this inconvenience by denying that there is any moral quality to the harm which an individual may incur by purely self-regarding actions, i.e., he denies that there are any moral vices in the sphere of self-regarding conduct (279). But it would take us into another inquiry to pursue this issue.

This ultimate dilemma may be analysed as follows:

1. Human excellence—although not many are capable of it—requires thinking and choosing for one’s self, not simply following customary ideas and ways. Hence it requires free and unconstrained inquiry, the questioning and challenging of received truths.
2. But most men are better off when they follow custom or model themselves upon a more highly gifted one or few.
3. In an open and democratic society, the access to liberty necessary for the few to develop themselves cannot be had without allowing it to all. Moreover in a democratic society only the consent of the many can secure the requisite openness.
4. So Mill must persuade the many that they can benefit from freedom of discussion and action by acquiring new models and more (or better apprehension of the) truth, i.e., of “being guided” to their improvement. Hence he must deny that the many will be morally harmed by such liberty, and must argue that society as a whole will benefit (in contrast to classical political philosophers).
5. To argue such a case candidly is to embrace the janus-faced task of presenting the case for human excellence to the judgment of a collective mediocrity. Quite apart from the ambiguous flattery of the opening pages, the very rhetorical situation requires implicitly presupposing the good judgment of the ninety-nine percent who are “incapable of judging” on any matter not self-evident.

Socrates, in the *Apology*, did not expect to win his case. He was correct. Why then did Mill both expect (or hope) to succeed and in fact do so?

Because the argument for the distinction of the few and the many rests upon the claim that the few are not only capable of but do in fact possess greater in-

sight into the true and the good (even if this be only Socratic wisdom). But Mill's position on the earlier dilemmas has rendered dubious, if it has not wholly subverted, the possibility of such insight. If no one's opinion is any more assured than any other opinion, then we are all in the situation of the many: all opinions are equal because none of them can be shown to be simply true. The final irony of Mill's essay is that he lost by succeeding.

Mill's essay *On Liberty* has powerfully influenced the way in which we today think about freedom of discussion and action. But it has influenced us in a way which Mill did not intend. His whole argument is against the equality of opinions and the conformism which the democratic ethos tends to produce. But his argument has become a commonplace to support the equality of all opinions. The reason for this seems to lie in the dilemmas which he confronted in the course of articulating his case.

Because he felt compelled to deny that we can ever know that our opinion is true or that the opinion which we oppose is false, he was obliged to formulate his defense of the utility of freedom of speech for all in terms of the weakness of our cognitive power rather than its strength. He recognized that this was an inadequate defense, and so he appealed to a confidence in progress, a confidence that, over time, rational opinions and conduct preponderate over wrong ones. But in order to ground this confidence he was forced to claim that we know that many opinions once held are erroneous, and that opinions once persecuted are true.

In making this claim, he comes up against the edge of the abyss which later thinkers, Nietzsche and Weber in particular, will enter; one with the joyful intent to claim, one with despair.

If there really is this preponderance—which there must be unless human affairs are, and have always been, in an almost desperate state . . . (231).

Suppose that not merely is the truth hard to know, but that there is no final truth to know about the world, or alternatively about values as distinguished from facts. Then the philosopher becomes a legislator, and free discussion is only the arena of the will to power. Mill is still sufficiently influenced by the tradition in which he stands to believe that there is a truth to be known, although he wavers on its knowability. His conviction rests more on his faith in the undeniability of progress than on a conviction of, for example, the knowability of human nature. The foundation on progress is not only logically weaker, but also empirically, because one may come to wonder whether progress is so manifest as not to be reasonably denied.

In offering a defense of freedom of discussion based on our inability to know that our opinion is true, Mill aligns himself with the empiricist tradition going back to Locke, whose political teaching was based not on the denial that there is a human nature but on the denial that we can know that nature sufficiently to guide ourselves as a community toward the life of well-being. But

Locke at least thought that we could know that there are natural rights possessed by all men, rights which political society must respect and protect. Mill's utilitarianism undermines any such appeal to rights, and so his political thinking is attached neither to *arche* nor to *telos*.

The purpose of these reflections on Mill has not been simply to find flaws in his argument, but to try to understand how it is that those flaws are not merely errors, slips, correctable in the second edition so to speak, but rather how they follow from the fundamental ambivalences in Mill's attitude toward democratic equality.