

Mill on freedom of thought and expression

In *On Liberty*, the first liberties that Mill identifies the Harm Principle protecting is freedom of thought and freedom of expression. These freedoms are distinct, because while thought is without exception self-regarding, expression of one's thoughts clearly has consequences for other people. It is possible, therefore, that expression could cause harm to others, and in such cases, could legitimately be regulated by society. However, freedom of expression 'being almost of as much importance as the liberty of thought itself and resting in great part on the same reasons' (*On Liberty*, 71), it is practically inseparable from freedom of thought. And so in his discussion, Mill argues for both together.

The state may only interfere with people holding and expressing their views if those views cause harm to others (and even then, it should only interfere if doing so would be more beneficial than not doing so). So there should be 'absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological' (71), however immoral the opinion or sentiment may seem.

In Chapter 2, Mill provides four arguments to support his position. He does not defend it by appealing to the Harm Principle, since he is using his arguments to show that the Harm Principle is correct. Instead, he argues that the freedom of thought and expression will contribute to 'the permanent interests of man as a progressive being'. Two arguments appeal to the value of truth – he takes it for granted that to discover and know what is true is in our interests. The other two arguments relate the manner in which we believe what is true. His arguments amount to this:

the peculiar evil of silencing the expression of an opinion is that it is robbing the human race... If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error. (76)

TRUTH AND FALLIBILITY

Mill sums up his first argument (76-96) like this: 'if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.' (115-6) Someone who is fallible is someone who fails or is mistaken sometimes. We are all fallible, not just individuals, but also governments and societies. This argument from fallibility claims that we do not always know the truth about morality and religion, even when we think we do.

We must make a distinction between certainty and the truth. Our confidence that some opinion is false cannot justify suppressing the expression of that view, as this implies not only that we are confident of being right, but that we are infallible. We may not censor points of view we think are in error. (This is not to endorse any kind of relativism; Mill still believes there is a truth to be discovered. And we are not required to give every point of view equal credence.)

A censor may make two objections. First, we may surely claim enough knowledge, and confidence in it, to justify censoring certain expressions of opinion. For example, can't we be completely confident that racism is wrong, and therefore that expressions of racism may be censored without any danger that we shall 'lose the truth'? Second, claiming this degree of confidence is not to assume infallibility. Every time we act we must act on what we believe to be true. It would be cowardice to allow false and unethical opinions expression just because we 'may' be wrong.

Mill's response is that there is nothing wrong with certainty. But if we have it, it must and can only rest of the freedom of expression itself (79). To develop and defend our points of view, to correct our opinions and weigh their value, we need free discussion. The only reason we have to think that our belief is true is that no one has shown it is false, although there is every opportunity to make the argument. We cannot be sure that our belief is true if we prevent opposing beliefs from being expressed and discussed.

But still, should we not censor those opinions that we think are, not false, but dangerous to society? Mill makes two responses (82). First, the belief that an opinion is dangerous can be disputed – as above, we cannot be certain that the view is in fact dangerous to society unless we allow free debate on the matter. But for this, we must allow the 'dangerous' view to be discussed, and cannot censor it. Second, if the view to be censored is true, then the view that opposes it must be false. Many people argue that no belief that is false can, in the end, be useful. So it is never in the best interests of society to defend a false belief against the 'dangerous' truth.

TRUTH, BALANCE AND OPPOSITION

Mill sums up his second argument (it appears third in the text, 108-15) thus:

though the silenced opinion be an error, it may, and very commonly does, contain a portion of the truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied. (116)

This is because 'Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness' (110).

Most people's opinions, if true, are only part of the truth, often exaggerated, distorted or at least not connected with other relevant and balancing truths. For example, in politics, we usually find a party of 'reform' and a party of 'order or stability' – no one knows exactly what ought to be changed and what kept, but having the two parties in opposition to each other keeps each 'within the limits of reason and sanity' (110). Another example that Mill picks, deliberately controversially (in his society), is Christian ethics. He points out the many flaws and incompleteness: Christian ethics has been more concerned with 'thou shalt not' than with a positive image, it has a horror of bodily pleasures, it encourages passive obedience and does little to develop a sense of dignity. All these aspects need balancing and correcting by sources from outside Christianity.

TRUTH, LIBERTY AND UTILITARIANISM

In both these arguments against censorship, Mill assumes that opinions can be true or false. But is this always right? For example, many people believe that opinions in morality are not 'true' or 'false' because there is no fact about what is right or wrong. There are just people's opinions and feelings, nothing more.

Mill disagrees. Morality is ultimately about utility – to deny that there are moral truths is to claim that there are no facts about whether an action contributes to the general happiness or not. So for instance, there is no fact about whether depriving people of liberty is bad for them or not. This is quite hard to believe. However, we shall not discuss this issue further here.

We turn instead to the question of whether utility could ever require us to censor a view. We may be able to think of cases in which it would be immediately useful to prevent certain views being expressed. But long term utility is the only sort that counts for Mill. Appealing to the short-term interests of the government in power, for example, is completely illegitimate.

But we can ask whether free debate will ensure that the truth prevails. Mill's assumes that freedom of speech will enable us to discover the truth better than (selective) censorship. If people take turns at speaking and listen respectfully to each other, this might be true. But this is not how the exchange of ideas occurs in society at large, where the expression of an idea is often accompanied by a derogatory and emotive depiction of those who may disagree, and powerful vested interests can be at stake. Given the emotive appeal of ideas and the use of this in public debate, we may not always be able to adequately defend the truth, and so falsehood – perhaps pernicious falsehood – spreads.

Compare allowing racist speech to banning it. Which will lead to fewer people making the mistake of thinking racism is right? If we allow it, the emotional arguments appealing to vested interests ('they come over here, taking our jobs...') may persuade some people. If we ban it, then they won't hear these arguments, and so will be less likely to form a false belief. We may argue Mill's faith in reason is overly optimistic, and that utility may provide us grounds for censorship after all.

Mill answers this by pointing again to the long view: given how often people, even great thinkers, get things wrong, how is that humanity has achieved the large degree of rational opinions and conduct? It can only be because over time, false opinions give way to true ones (80).

Furthermore, if society censors the expression of 'heretical' opinions, people will become more cautious not only in expression, but in their thoughts as well. Many good and true ideas begin by being 'heretical'. If there is public censure of people expressing such views, this will undermine intellectual courage, and so the discovery of new truths is slowed down (94). Finally, unless false 'heretical' opinions are shown publicly to be false, they won't die, but 'smoulder in narrow circles of thinking'.

Restriction and pornography

There is a middle ground between censorship and (complete) freedom of expression that we haven't considered: restriction. To protect the expression and exploration of points of view on the grounds of truth and rationality, perhaps we need only ensure that they have some opportunity to be aired. But, on the grounds of utility, perhaps the form and

type of publication in which they are aired could be limited. For example, racist views might be permitted to be expressed in serious journals, and their truth and rational basis carefully discussed, but not in more public contexts where they would tend to be emotive and might cause offence.

Mill considers this at the end of Chapter 2 (116-8). Should we restrict not what people say but how they say it? He says that 'the manner of asserting an opinion... may be very objectionable and may justly incur severe censure' (116). However, he continues, the most serious threats to freedom of discussion and its usefulness do not arise from passionate or offensive attacks, but from deliberately suppressing facts or opinions in one's discussion of an issue, misstating the evidence and misrepresenting the opposition. Although they are more serious, we cannot identify these violations easily, and so in the end, it is not in the general interest to try to impose penalties related to them. We can identify when an attack is offensive, but again, it is not in the general interest to interfere, because those who disagree with prevailing opinion are more likely to be restrained than those who agree with it. It is those who most need to be heard – the opposition – that will most likely be suppressed if we start interfering on grounds of offensive or emotional expression. Instead, we should leave individuals to condemn all bigotry and intolerance, whoever expresses it.

Would Mill change his mind in contemporary society, e.g. in the light of the prevalence of pornography? There is a question of whether pornography should count under 'freedom of expression' at all, since much of it does not express an opinion (e.g. the opinion that women are sexual objects whose purpose is to gratify the sexual desires of men), but visually displays a situation (in which women are gratifying the sexual desires of men). On this (controversial) interpretation of pornography, it is not an expression of a sexist view, it is a form of sexism.

Let us assume that pornography is covered by the 'freedom of expression'. The question then is whether it may, nevertheless, be censored. One recent argument, that Mill did not consider, is that one person's freedom of expression might in fact undermine someone else's. If the views presented by a racist or sexist make it more difficult for their 'victim' to be heard and understood in society, then this is a more serious issue than mere offence. Some recent feminists have argued that the way women have been depicted in the culture generally, and more specifically in pornography, has made it more difficult for women's views understood and taken seriously. Should this count as a 'harm' or should the sexist's freedom of expression be protected? We could argue that the freedom of expression does not entail a right to be understood. Every idea must be allowed to heard, even if other ideas are misunderstood as a result.

HOW TO HOLD A TRUE BELIEF

Mill provides two further grounds for freedom of thought and expression (96-108). These concern our relation to the truth. The first is this:

even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. (116)

Not be able to defend our (true) beliefs against objections is not to understand why they are true, what the evidence is in favour of them. Faced with an objection, our belief

crumples or is shown to be a mere prejudice. This is no way for a rational creature to hold beliefs, nor will it help us develop the ability to think for ourselves.

To hold our beliefs rationally and be justified in holding them, we need to understand alternative viewpoints, and the challenges they raise for our own position. Many of the objections we must counter will be put most forcefully by those who really believe them, so we must allow others to express their points of view if we are to rationally believe our own.

Mill's second argument is this: if a true belief is not challenged,

the meaning of the doctrine itself will be in danger of being lost or enfeebled, and deprived of its vital effect on the character and conduct; the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground and preventing the growth of any real and heartfelt conviction from reason or personal experience. (116)

The battle between ideas is necessary for us to fully understand our beliefs – what do they really imply, how do they require that we act? Mill's example is again Christian morality. Many people say they believe in Jesus' teaching, but do they really understand what it means for one's life to 'turn the other cheek'? Second, without understanding the real meaning of our beliefs, we do not act on them. The beliefs are 'dead dogma, not living truth' (97), they do not motivate us. Third, when we hold beliefs in this dogmatic way, no alternatives can get through to us. We stop listening and thinking. So opposition is necessary for us to stay open-minded and thoughtful. Freedom of expression challenges hypocrisy, self-satisfaction, and intellectual lethargy.

All this applies as much to our beliefs in liberty, in freedom of expression, in democracy, in equality, as to any others. So even these beliefs should be challenged. It is necessary in a democracy for people to criticise democracy and liberty – or people will start to forget what is really valuable about this form of society.

Are Mill's empirical assumptions in these arguments true? For example, there is plenty of evidence to suggest that views that are not challenged can be held passionately by a whole society. The ability of an idea to motivate has as much to do with its emotive appeal as with its rational grounds being laid out clearly and forcefully, because reason is by no means the strongest spring of action.

Mill's arguments give us a picture of what he thinks is in the 'permanent interests of man as a progressive being'. It is better for people to be able to think for themselves, to understand what they believe, to develop their rational and intellectual faculties. It is better for them to be open-minded and to hold beliefs that motivate them because they understand them, than because they are strongly held prejudices. An enquiring, open mind is better than a thoughtless, closed one.

FREEDOM OF EXPRESSION: EXCEPTIONS AND THEIR JUSTIFICATION

While freedom of thought is absolute, there may be restrictions of freedom of expression, because expressions of opinion and feeling are actions that affect others, and therefore, may also harm them.

There can be cases where the expression of an opinion causes harm directly, e.g. by attacking someone's reputation. In such cases, the expression is directed regulated by the Harm Principle. But, as in other cases of harmful action, we should not immediately conclude that society should try to prevent every attack on someone's reputation. Is interference in the general interest? One criterion that the law currently uses is whether the attack constitutes slander (if spoken) or libel (if printed). If the expressed opinion is true, then even if it does harm someone else's reputation, it is allowed. If it is shown to be false, then there are legal penalties for the person who expressed it. A similar situation applies to expressing false opinions about someone that causes them financial harm. But expressions of offensive opinion that do not cause harm should not be restricted under any circumstances.

What about expressions that don't cause harm directly? Mill says 'opinions lose their immunity, when the circumstances are such as to constitute their expression a positive instigation to some mischievous act' (119). For example, if someone argues that Salman Rushdie should be assassinated for writing *The Satanic Verses*, and we can show that their expression of this view causes someone else to begin to plan the assassination, society may have cause to limit that expression.

However, limiting that expression of the opinion is not limiting every expression of it. The opinion can still be expressed in other ways on other occasions, e.g. generally through the newspapers. There must be a fairly direct connection between the expression and the action taken. If there is not, then society should only seek to prevent the harmful action and not also the expression of opinion that such an action would be right.