

Chapter 2

Freedom of Expression: Learning, Bias, and Tolerance

The fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half their errors. A contemporary author has well spoken of “the deep slumber of a decided opinion.”

—J.S. Mill, *On Liberty*, p. 250

Why does free speech matter?

We ended Chapter 1 with a brief mention of how Mill’s no-harm principle intersects with his views on speech. Here, we take on the issue of speech at greater length. For those who work at a college or university, this question—free speech, its rationale and limitations—has rarely been as controversial as it is today. In widely publicized recent events, college leaders have disinvited commencement and other public speakers in response to student protests.¹¹ University leaders struggle to find and maintain the balance between relatively unrestricted speech and speech that is regarded as harmful. On all these matters, Mill’s insights are still relevant.

For Mill, the important lesson on speech is that, like choice itself, speech is a learning device, a way that people become better choosers (especially in the case of political choice), more tolerant, and more learned. Unlike thoughts and beliefs that are unexpressed in public, speech is for the most part a social act.

¹¹ See Abby Jackson (2016, July 28), “Disinvitations” for College Speakers Are on the Rise — Here’s a List of People Turned Away This Year, *Business Insider* <<https://www.businessinsider.com/list-of-disinvited-speakers-at-colleges-2016-7>> as of August 31, 2020.

This publicness is useful, in Mill's mind: By speaking our arguments aloud, we learn to understand our own words and we see how others receive them. Via speech, we learn to understand, and—Mill hoped—tolerate each other. For Mill, this was particularly important in the coming age of democracy. Since speech is a social act, it influences others. That influence comes with a responsibility: those in authority, such as politicians or professors, have a responsibility to speak truthfully and listen to counterarguments. Speech thus comes with potential limitations and restrictions that attempt to balance potential harms against the benefits associated with speech.

Mill frames the argument about the benefits associated with speech by considering how speech is a social act, a give-and-take that enables us to learn about others and ourselves. Recall from Chapter 1 that Mill's notion of utility—the ethical grounds for freedom of expression and all other liberty—is reciprocal: we are to count the happiness of others as we count our own. Recall also Mill's remarks in the *Autobiography* about many-sidedness—his willingness to consider arguments from many points of view. His views on the give-and-take of speech are very much in line with these two observations. By speaking with those who have competing points of view, we learn to understand (and perhaps correct) our own beliefs and we come to live together peacefully with others who hold different beliefs. For Mill, the first thing we learn through such discussion is that we are all fallible. Here, Mill develops Adam Smith's argument about how we learn that we are not the centre of the universe via the give-and-take of social interaction.¹² While Smith focused on reciprocity in social interactions, such as trade, and the imaginative exchange of approbation, Mill built on Smith to emphasize that this learning happens via *discussion* of different viewpoints, which yields benefits for the individuals involved and society overall.

Mill lays out four reasons that it is important to allow and even encourage free discussion of competing opinions. Essentially, his argument is that

¹² Smith makes this abundantly clear in his *Theory of Moral Sentiments*. See the account of how children learn to temper their outbursts when they are “old enough to go to school, or to mix with... [their] equals” and learn “they have no such indulgent partiality” as from their parents. He calls this the “great school of self-command” (Smith, 1759/1976, p. 145). There are many accounts of the motivational force of our desire to earn well-deserved praise. See Vernon Smith and Bart Wilson's recent treatment in *Humanomics* (2019).

discussion helps us appreciate that we are fallible. First, we sort out whether an opinion is true or not via discussion: “if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true” (*On Liberty*, p. 258). Silencing discussion amounts to an assumption of infallibility: “To call any proposition certain, while there is any one 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” (p. 223).

Second, even wrong opinions may contain partial truths and we learn to appreciate the partial truth by discussing it. Since the “general or prevailing opinion on any subject is rarely or never the whole truth” we come to an improved understanding by collating “adverse opinions” (p. 258). Third, even when one side of the matter is correct, we learn to appreciate the correct view more deeply by (and only by) defending it vigorously: “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” (p. 258).

He next adds the clinching argument. Even when an opinion is true, and recognized to be so, it is important to discuss so it doesn’t become settled dogma, incapable of improvement: “And not only this, but, fourthly, 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” (p. 258).

Learning via discussion

As we think about how people learn through speaking, it is important to keep in mind Mill’s embrace of “many sidedness” mentioned earlier in the Introduction. As noted, for Mill we come to know a subject by knowing what is said about it:

[T]he only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said

about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. (*On Liberty*, p. 232)

If, instead of doing the hard work of studying and collating opinions, we simply believe what we are told without questioning or discussing it, we fail fully to understand the proposition. In such instances, our belief might well be called “superstition.”

In this context, Mill makes one of the earliest cases for what is referred to, today, as experiential knowledge—he writes that we more fully understand many truths once we have experienced and discussed them. Anyone who has attempted to counsel a child on the dangers associated with fingers on hot burners or tongues on cold metal will appreciate this point in Mill:

there are many truths of which the full meaning *cannot* be realized, until personal experience has brought it home. But much more of the meaning even of these would have been understood, and what was understood would have been far more deeply impressed on the mind, if the man had been accustomed to hear it argued *pro* and *con* by people who did understand it. (*On Liberty*, p. 250)

More than this, as noted above, in Mill’s view we must always be ready to improve our understanding and admit to fallibility. There is, however, no guarantee that this will happen, absent the forced or induced listening that comes with living in a society filled with competing viewpoints. It is only because we live amidst others who hold and convey critical points of view that we become ready to learn from our critics, to develop a “steady habit of correcting and completing” our opinion “by collating it with those of others” (*On Liberty*, p. 229).

Mill’s observation, that we learn from others’ points of view, forms the basis for classroom exercises that randomly assign points of view to students and ask them to argue a conclusion that may well be contrary to the views they bring to the classroom. While that exercise seeks artificially to create the rich diversity of points of view (“many sidedness”) that Mill so appreciated, the

hope is that even such an artificial set-up will enable students to appreciate the weight of their classmates' opposing viewpoints.¹³

Bias and tolerance

More than a century before social psychologists coined the now-current term “implicit bias,”¹⁴ Mill acknowledged that we all want various things to be true or at least provisionally correct, and we consequently tend to confirm our prior views (something we refer to today as confirmation bias). In his 1843 *Logic*, a tour de force in making the case for inductive logic, Mill wrote:

We cannot believe a proposition only by wishing, or only by dreading, to believe it. ... [Wishing] operates, by making [a person] look out eagerly for reasons, or apparent reasons, to support opinions which are conformable to his interests or feelings; ... whoever was on his guard against all kinds of inconclusive evidence which can be mistaken for conclusive, would be in no danger of being led into error even by the strongest bias. There are minds so strongly fortified on the intellectual side, that they could not blind themselves to the light of truth, however really desirous of doing so. (*Logic*, p. 738)

At least some of what Mill called “false beliefs” are today referred to as priors or implicit bias. Consistent with the argument below, social psychologists maintain that such biases are malleable and suggest that biases against “out group” individuals are reduced by intra-group interactions.

In his 1867 *Inaugural Address* as rector at the University of St Andrews, Mill reiterated the relationship between speech and the elimination of bias. Through speech, he argued, we begin to understand how others think and we come to appreciate their points of view. Mill suggested here that we benefit

¹³ Commentators whose views differ widely on other matters share an appreciation for this point: Nussbaum (2010) and McCloskey (2010) both focus on the benefits of discussion.

¹⁴ The literature on this is vast. See Greenwald and Cooper (1994) for a survey.

from the exchange of ideas with those who are very different from us—he used those of different nationalities as an example.

By the late 1860s, Mill spoke with some urgency, as he had in mind the impending enlargement of the voting public and the coming political argumentation that would ensue. Again, he emphasized how speech and the discussion of different points of view helps us improve ourselves. By speaking with those who wear “differently coloured glasses,” Mill argued, we improve: “improvement consists in bringing our opinions into nearer agreement with facts; and we shall not be likely to do this while we look at facts only through glasses coloured by those very opinions. But since we cannot divest ourselves of preconceived notions, there is no known means of eliminating their influence but by frequently using the differently coloured glasses of other people: and those of other nations, as the most different, are the best” (*Inaugural Address*, p. 226). For Mill, perception is influenced in the first instance by coloured glasses and then improved via discussion.

While he was for the most part silent on the source of our biases, Mill was convinced that we all have them and it is only via discussion with competing points of view that we will rid ourselves of bias. In his view, experiences matter, but experiences must also be discussed to be fully understood. People rectify “mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted. Wrong opinions and practices gradually yield to fact and argument: but facts and arguments, to produce any effect on the mind, must be brought before it” (*On Liberty*, p. 231).

Mill saw speech as the means through which we come to tolerate those who hold different points of view. Discussion of ideas and views also leads to a moderation in speech, he believed, since we tone down our words when we appreciate another’s point of view and we speak less pugnaciously when we want our words to be heard and appreciated by others who hold competing views. Those who speak against received wisdom, Mill suggested, have asymmetrically aligned incentives. They must practice more moderation than those who hold received opinions:

In general, opinions contrary to those commonly received can only obtain a hearing by studied moderation of language, and the most

cautious avoidance of unnecessary offence, from which they hardly ever deviate even in a slight degree without losing ground: while unmeasured vituperation employed on the side of the prevailing opinion, really does deter people from professing contrary opinions, and from listening to those who profess them. (*On Liberty*, p. 259)

Teachers, and here Mill has in mind that basic education, too, would soon become more widespread, were especially obliged to teach different perspectives and avoid dogmatism:

If teaching, even on matters of scientific certainty, should aim quite as much at showing how the results are arrived at, as at teaching the results themselves, far more, then, should this be the case on subjects where there is the widest diversity of opinion among men of equal ability, and who have taken equal pains to arrive at the truth. This diversity should of itself be a warning to a conscientious teacher that he has no right to impose his opinion authoritatively upon a youthful mind. His teaching should not be in the spirit of dogmatism, but in that of enquiry. (*Inaugural Address*, p. 249)

Rules for speech

While Mill put forth a strong case for the positive benefits of learning and tolerance associated with speech, he did not advocate speech without rules. He denounced in the harshest terms *ad hominem* attacks on character that masquerade as arguments. Rules related to speech were to be applied to both sides of the case.

Mill noted that those who hold the minority point of view are often “comparatively defenceless.” For them, rules that ensure the views of minorities may be heard are consequently especially important:

With regard to what is commonly meant by intemperate discussion, namely invective, sarcasm, personality, and the like, the denunciation of these weapons would deserve more sympathy if it were

ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion: against the unprevailing they may not only be used without general disapproval, but will be likely to obtain for him who uses them the praise of honest zeal and righteous indignation. Yet whatever mischief arises from their use, is greatest when they are employed against the comparatively defenceless; and whatever unfair advantage can be derived by any opinion from this mode of asserting it, accrues almost exclusively to received opinions. The worst offence of this kind which can be committed by a polemic, is to stigmatize those who hold the contrary opinion as bad and immoral men. (*On Liberty*, pp. 258-59)

Arguments that try to silence discussion often, in Mill's view, hide behind a pronouncement that we must avoid discussing an extreme case. Like Smith before him, Mill recognized the problem of faction, where those within a group or faction are unwilling to listen to arguments that counter their group position, and he recognized that discussion may not break down the barriers of factionalized or party interests. While discussion may not successfully penetrate or alter the minds of those whose views have been hardened by whatever faction they belong to, it will, nonetheless, be useful to the "calmer and more disinterested bystander," who has yet to become factionalized.

I acknowledge that the tendency of all opinions to become sectarian is not cured by the freest discussion, but is often heightened and exacerbated thereby; the truth which ought to have been, but was not, seen, being rejected all the more violently because proclaimed by persons regarded as opponents. But it is not on the impassioned partisan, it is on the calmer and more disinterested bystander, that this collision of opinions works its salutary effect. Not the violent conflict between parts of the truth, but the quiet suppression of half of it, is the formidable evil. (*On Liberty*, p. 257)

Further, as we saw in Chapter 1, speech that excites harmful action is subject to restraint if it breaks the no-harm principle.

The harder question in this context, of course, is whether speech that does not incite physical harm but instead hurts the listener emotionally or psychologically also constitutes harm. Those who argue against free expression on college campuses now seek to expand the notion of harm from Mill's actual danger of physical harm to subtler forms of aggravation. These include feeling unsafe in the presence of a controversial speaker, feeling hurt when someone uses a racial slur to describe another, and (sometimes unintentional) hurts associated with ill-chosen words (also referred to as "micro-aggressions").

Does Mill's *On Liberty* provide guidance for these cases? Given his notion that speech is very important to learning and his caution, discussed in Chapter 1, regarding blanket prohibitions in cases of harm, it seems clear that he would proceed carefully. As for controversial speakers, the foregoing suggests a presumption in favour of allowing differing viewpoints in this public sphere. As to micro-aggressions, Mill's wording suggests that the harm he sought to avoid was significant and permanent (see Chapter 1). He emphasized voluntary agreement and asserted that, in minor cases, social conventions might emerge to curtail harmful actions. Perhaps, then, speech associated with smaller harms might be limited using reciprocal social conventions: we agree not to harm each other using micro-aggressions. Speech that violates reciprocity and causes lasting and serious harms—a racial slur used to dehumanize another—might, by contrast, require a legal or organizational prohibition.

Conclusion

There is in Mill a clear tension between the presumption of liberty of thought and opinion versus a more constrained notion of public speech. The question arises as to whether Mill would favour the type of statements regarding free expression that many college campuses have recently endorsed? He recognized instances where speech should be restrained and he insisted that discussion be governed by rules to help ensure decorum in the exchange of ideas. The foregoing also strongly suggests, however, that Mill regarded vigorous debate as a method for deep learning and the acquisition of tolerance. Indeed, those who have read Mill carefully appreciate that in his own work he constantly revised

and collated his views in light of newly discovered arguments and information, so much so that Samuel Hollander has noted that it becomes difficult to find Mill's "centre of gravity" amidst his shifting viewpoints (Hollander, 1985, p. 638).

Mill paid dearly for his position that we must attend to speech with care. His radical position that language be enlarged to include all members of society equally in social and political matters was strenuously and successfully opposed, and Mill was ridiculed for his attempt to include women in the political debates of his time.