

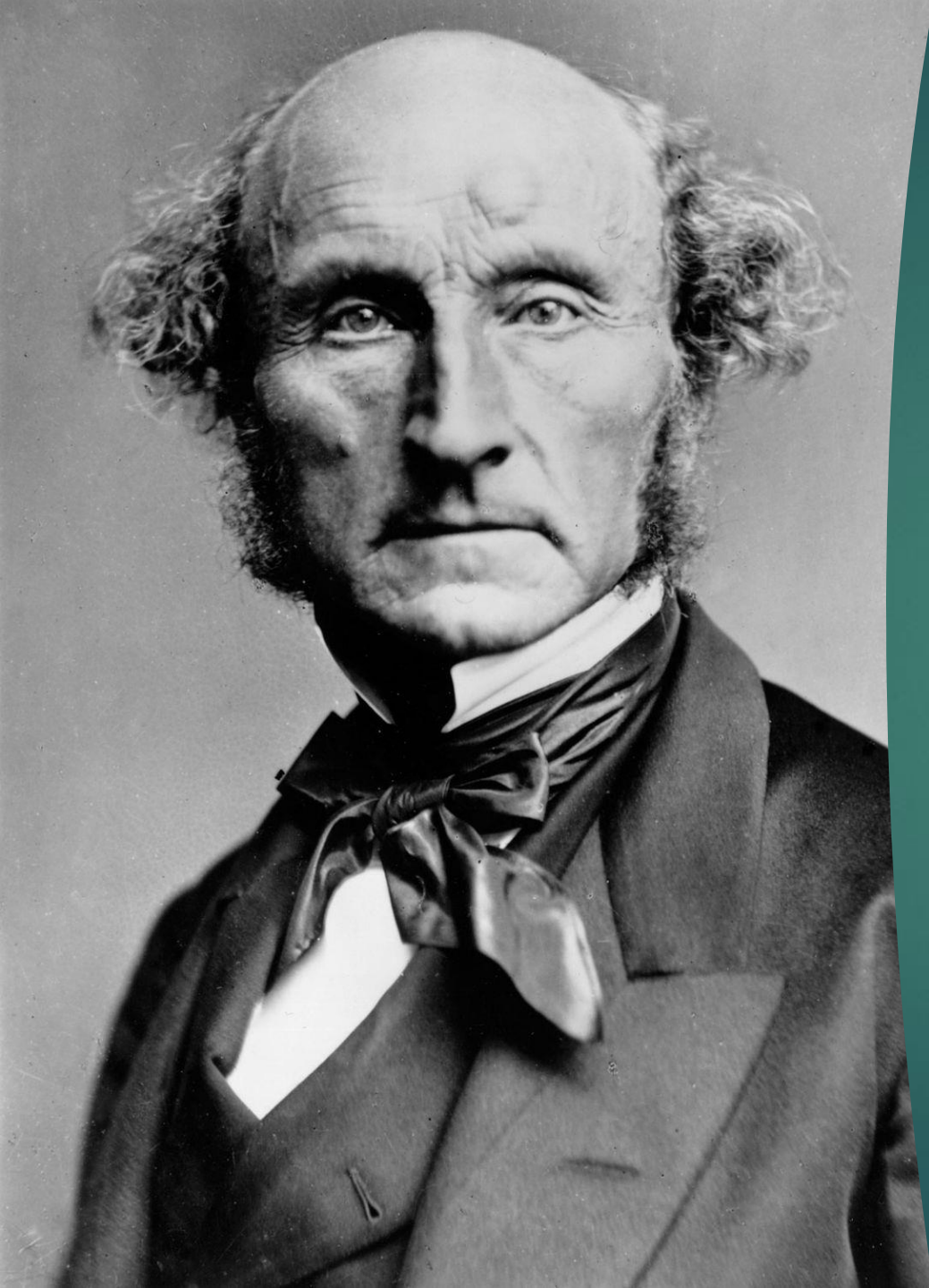


# Ethics and Society

POLI 27

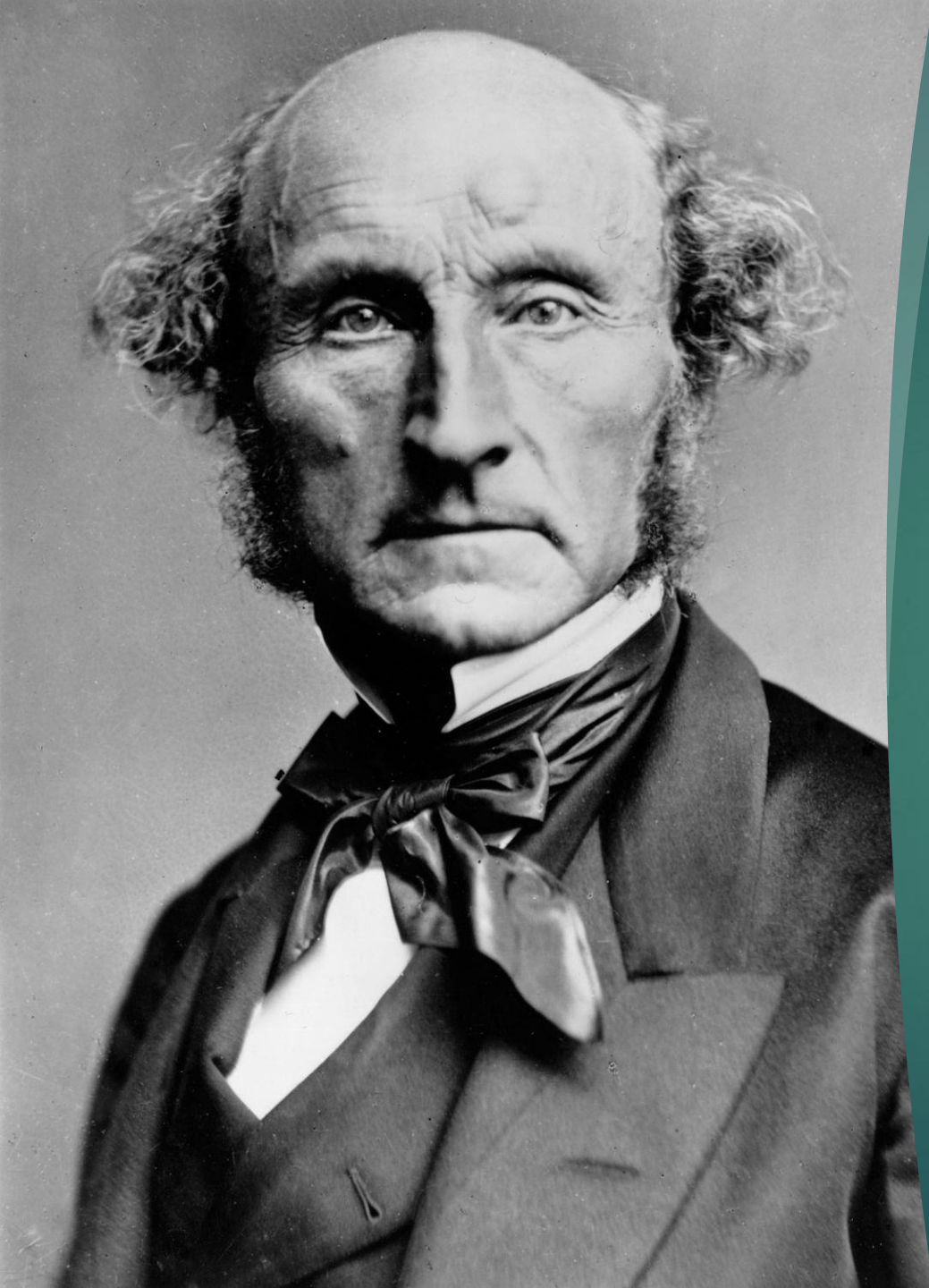
# Reading for Wednesday 9/1

- ▶ John Stuart Mill - On Liberty (selections)
- ▶ Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech
- ▶ John Rawls on toleration (selections)



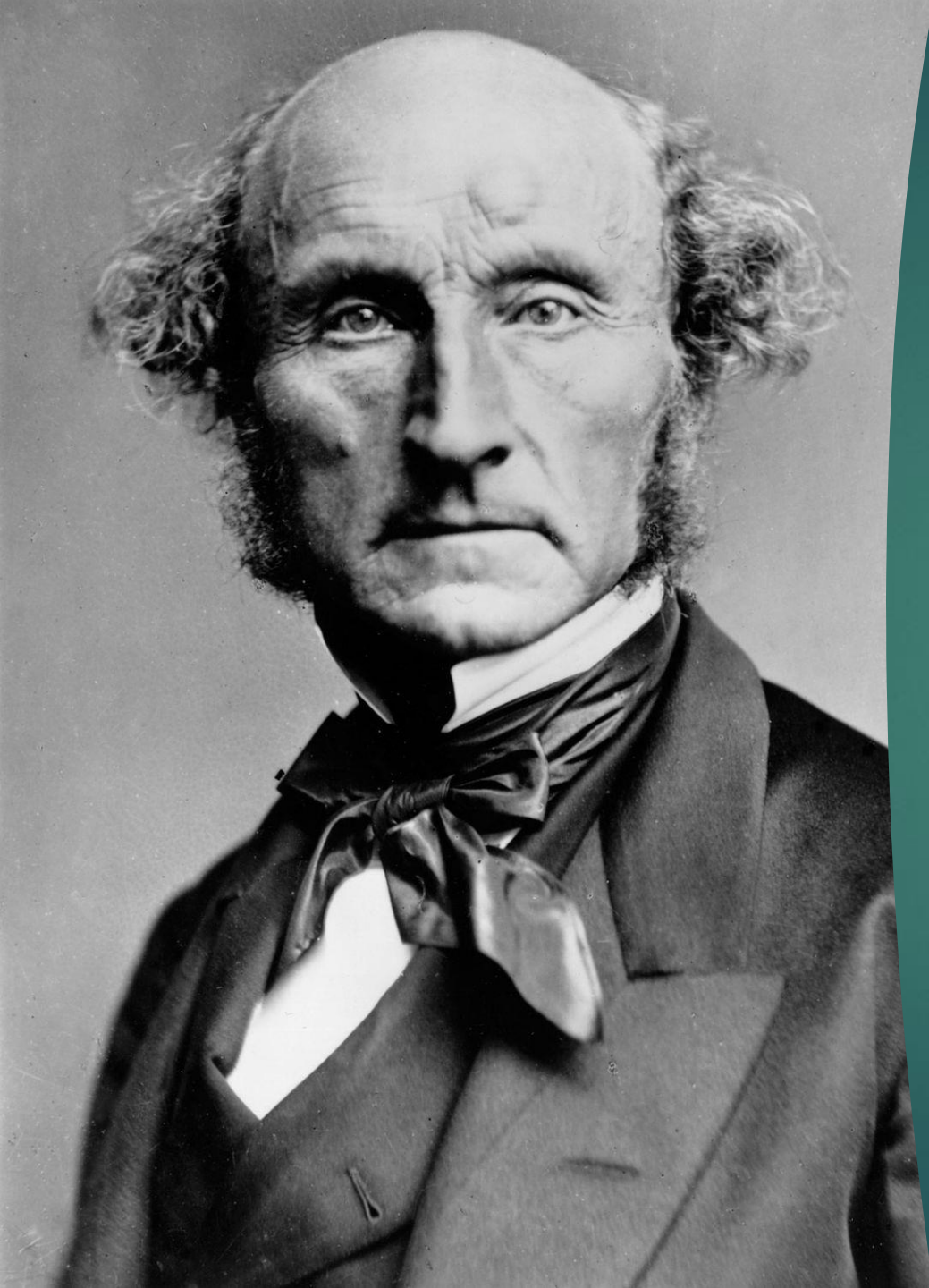
## John Stuart Mill - On Liberty (1859)

- ▶ “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; but it must be **utility in the largest sense**, grounded on the permanent interests of man as a progressive being.”



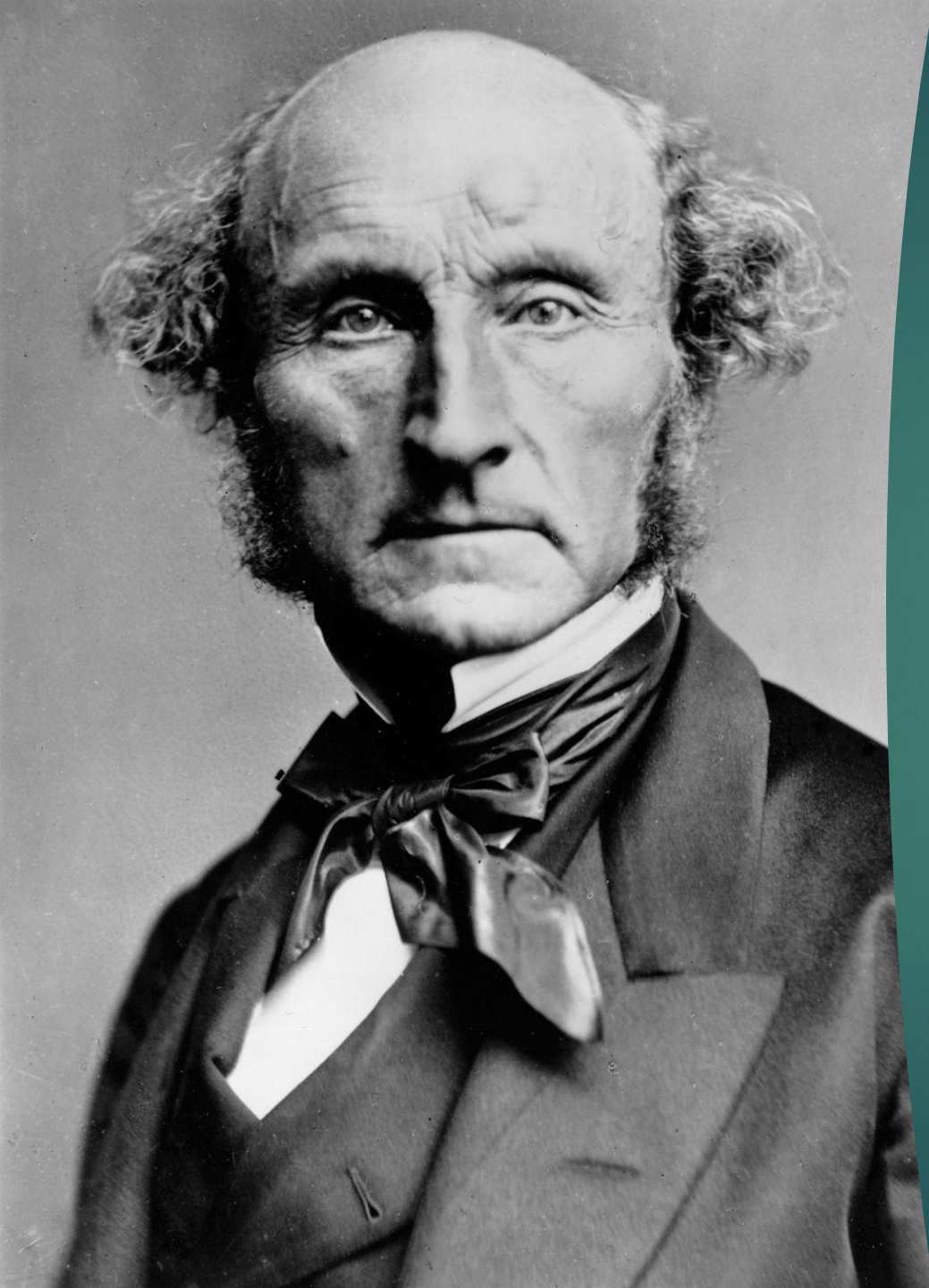
## John Stuart Mill - On Liberty (selections)

- ▶ Mill picks up the story of the development of government from Hobbes. He points out that historically, liberty was seen as liberty from the control of government.
  - ▶ This was because the government was simply the biggest bandit (Hobbes).
- ▶ “To prevent the weaker members of the community from being preyed upon by **innumerable vultures**, it was needful that there should be an animal of prey stronger than the rest, commissioned to keep them down. But as the **king of the vultures** would be no less bent upon preying on the flock than any of the minor harpies, it was indispensable to be in a perpetual attitude of defence against his beak and claws.”



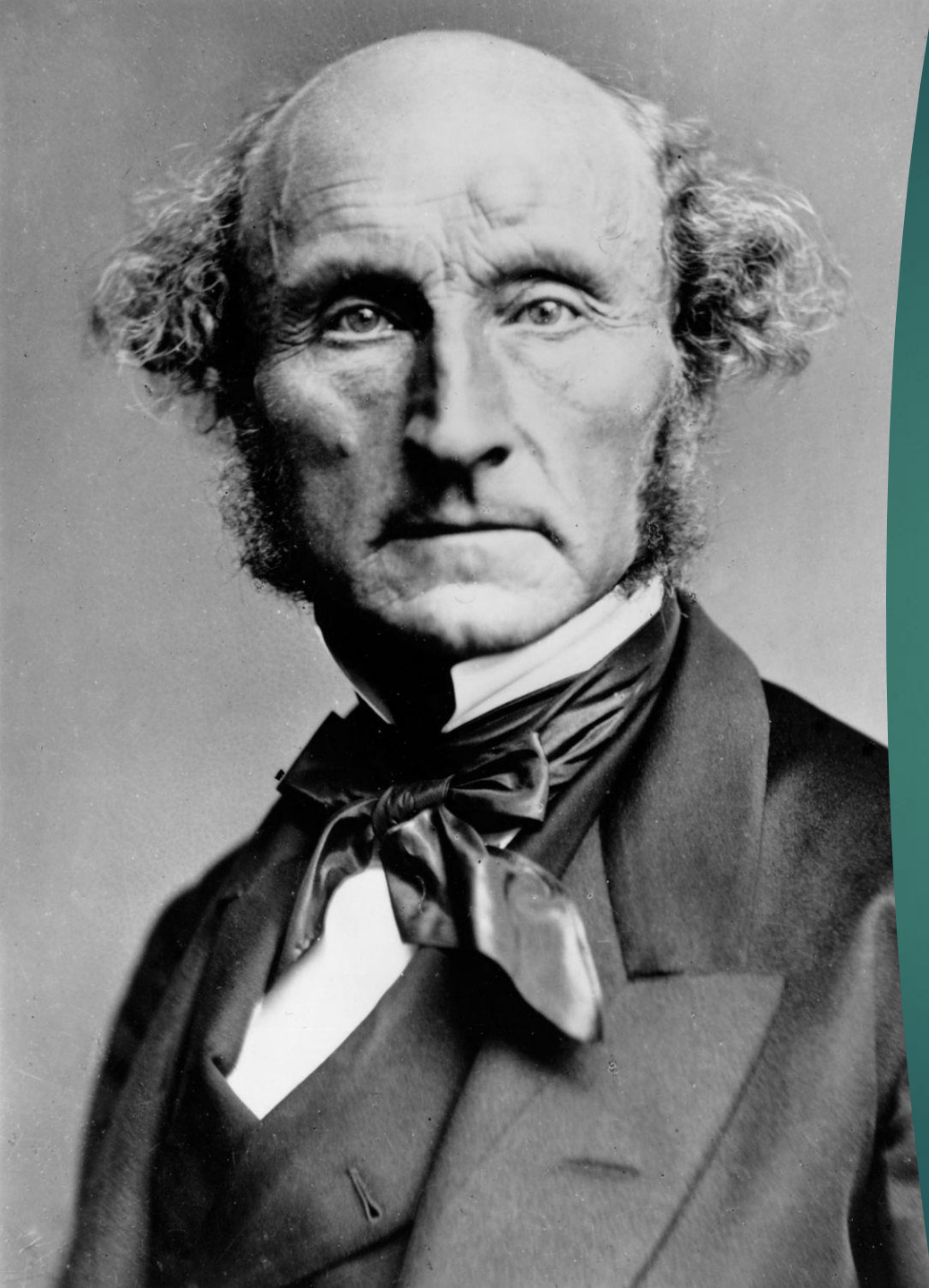
## John Stuart Mill - On Liberty (selections)

- ▶ Citizens gradually were able to restrain this “king of the vultures” by insisting on **political liberties** (rights) and the establishment of **constitutional checks**. But:
- ▶ “A time came, in the progress of human affairs, when men ceased to think it a necessity of nature that their governors should be an independent power, opposed in interest to themselves. It appeared to them much better that **the various magistrates of the State should be their tenants or delegates**, revocable at their pleasure.”



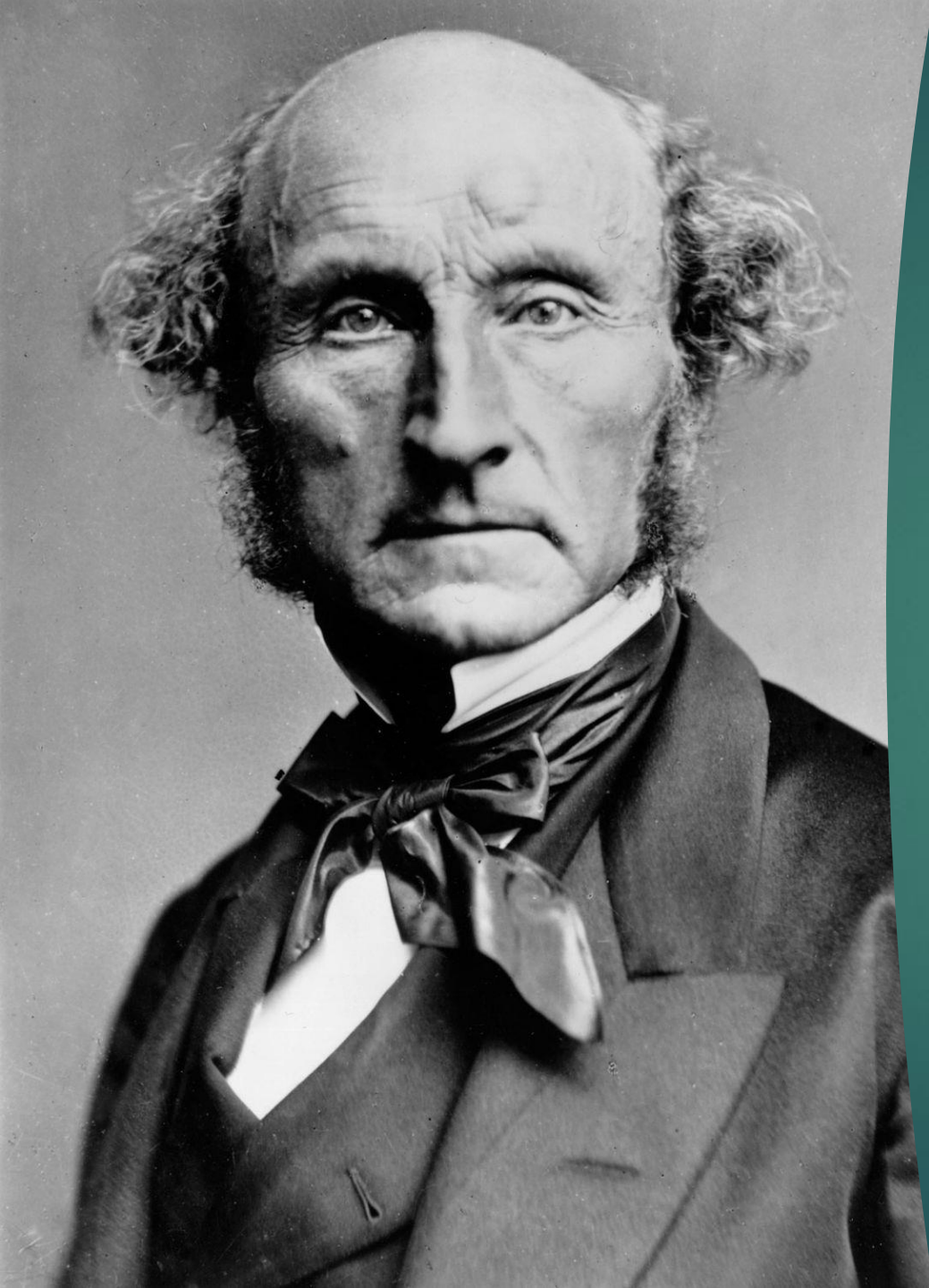
## John Stuart Mill - On Liberty (selections)

- ▶ “As the struggle proceeded for making the ruling power emanate from the periodical choice of the ruled, some persons began to think that too much importance had been attached to the limitation of the power itself. That (it might seem) was a resource against rulers whose interests were habitually opposed to those of the people.”
- ▶ “What was now wanted was, **that the rulers should be identified with the people**; that their interest and will should be the interest and will of the nation. The nation did not need to be protected against its own will. **There was no fear of its tyrannising over itself.**”



## John Stuart Mill - On Liberty (selections)

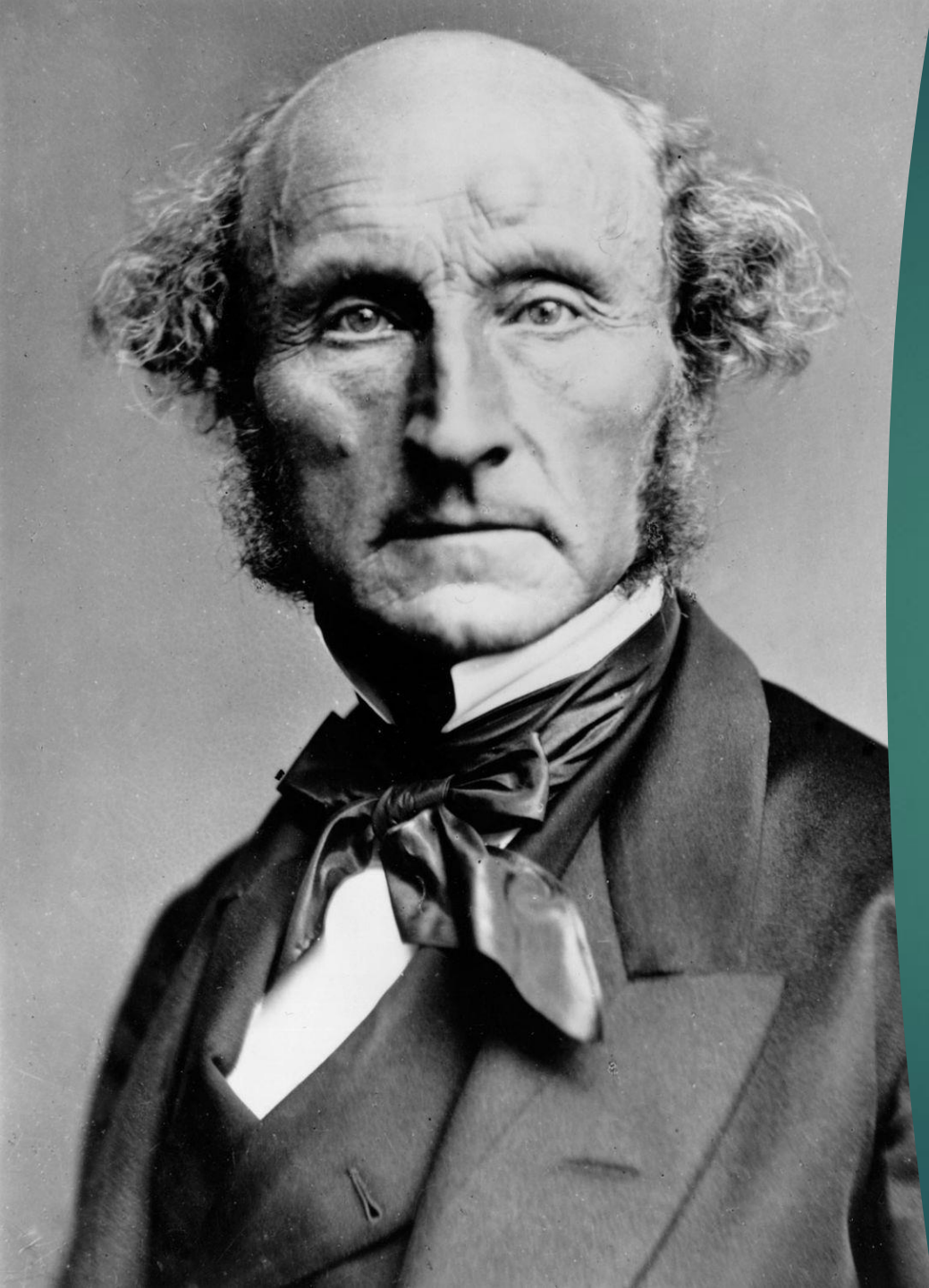
- ▶ “In time...a democratic republic came to occupy a large portion of the earth's surface.”
- ▶ “It was now perceived that such phrases as “self-government,” and “the power of the people over themselves,” do not express the true state of the case. The “people” who exercise the power are **not always the same people with those over whom it is exercised**; and the “self-government” is not the government of each by himself, but of each by all the rest.”
- ▶ “The limitation, therefore, of the power of government over individuals, **loses none of its importance** when the holders of power are regularly accountable to the community, that is, to the strongest party therein.”



# John Stuart Mill - On Liberty (selections)

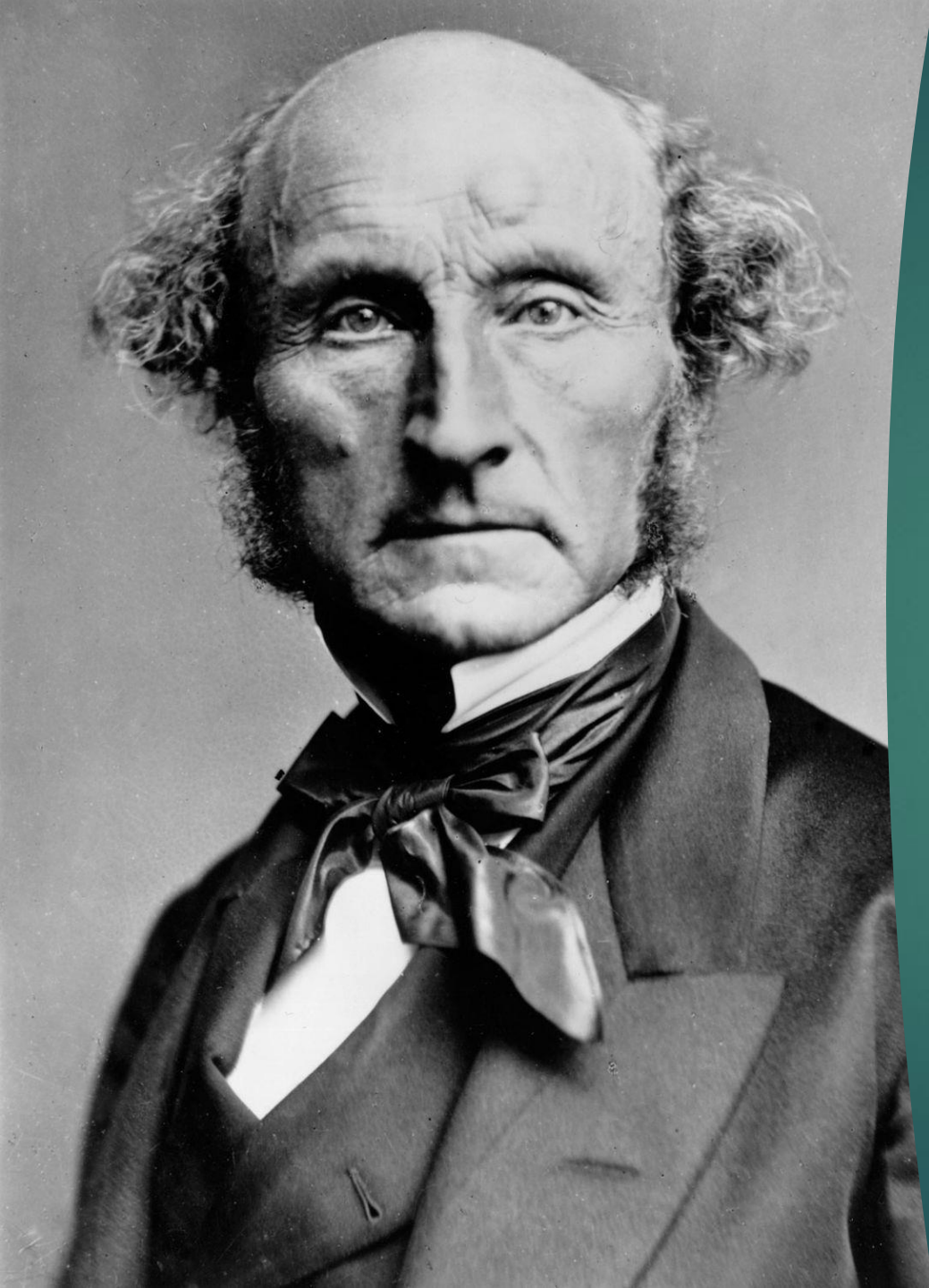
- ▶ “The **tyranny of the majority**”
  - ▶ “A despotism of society over the individual”
  - ▶ “reflecting persons perceived that when society is itself the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannising are not restricted to the acts which it may do by the hands of its political functionaries.”
  - ▶ “there needs protection also against the **tyranny of the prevailing opinion and feeling**; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them.”
- ▶ “There is a limit to the legitimate interference of collective opinion with individual independence.”





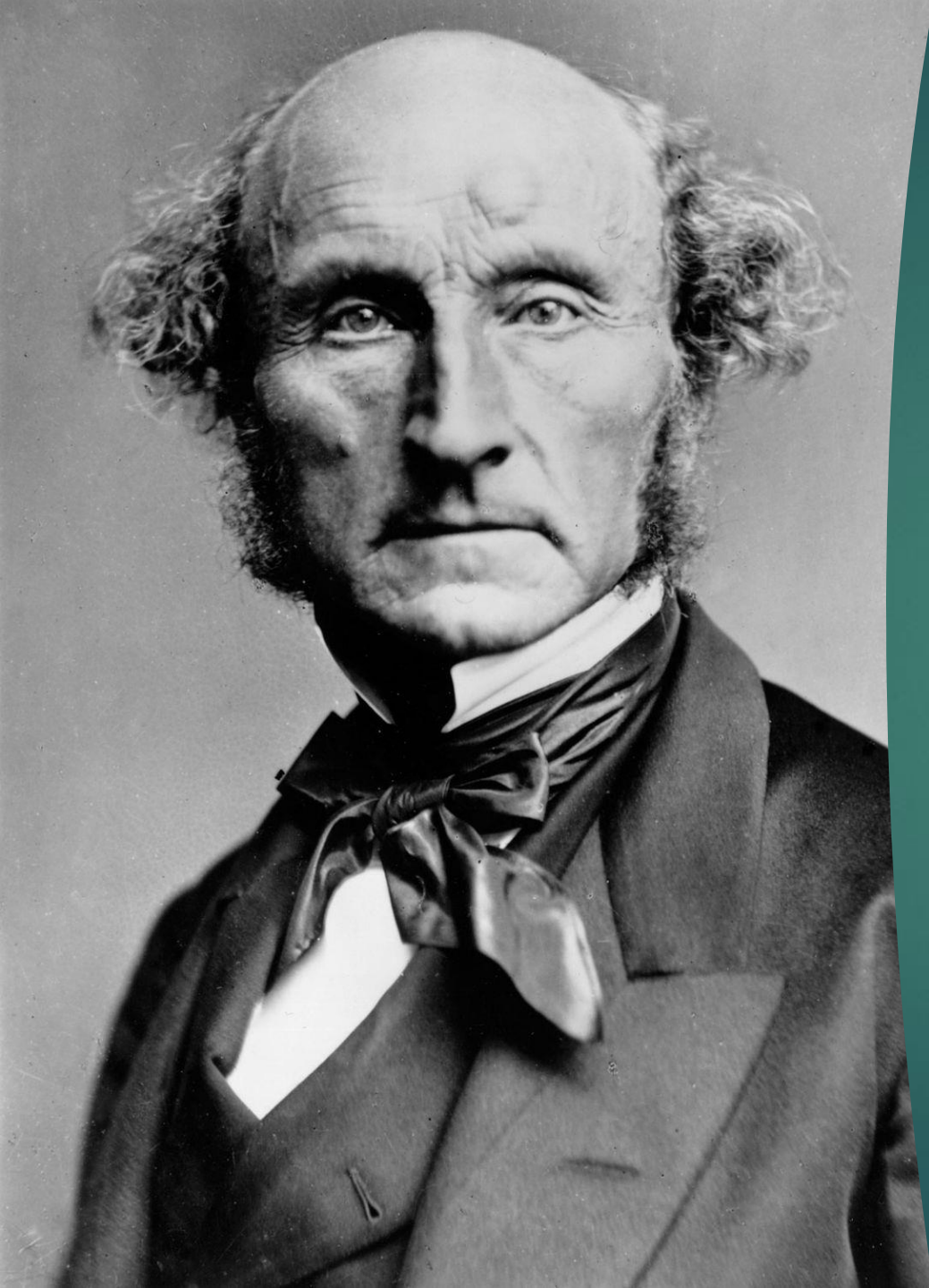
## John Stuart Mill - On Liberty (selections)

- ▶ “...so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realised, except where religious indifference...has added its weight to the scale.”
  - ▶ “the **duty of toleration** is admitted with tacit reserves.”
  - ▶ “There is, in fact, no recognised principle by which the propriety or impropriety of government interference is customarily tested.”
- ▶ “the sole end for which mankind are warranted...in interfering with the liberty of action of any of their number, is **self-protection**...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to **prevent harm to others.**”



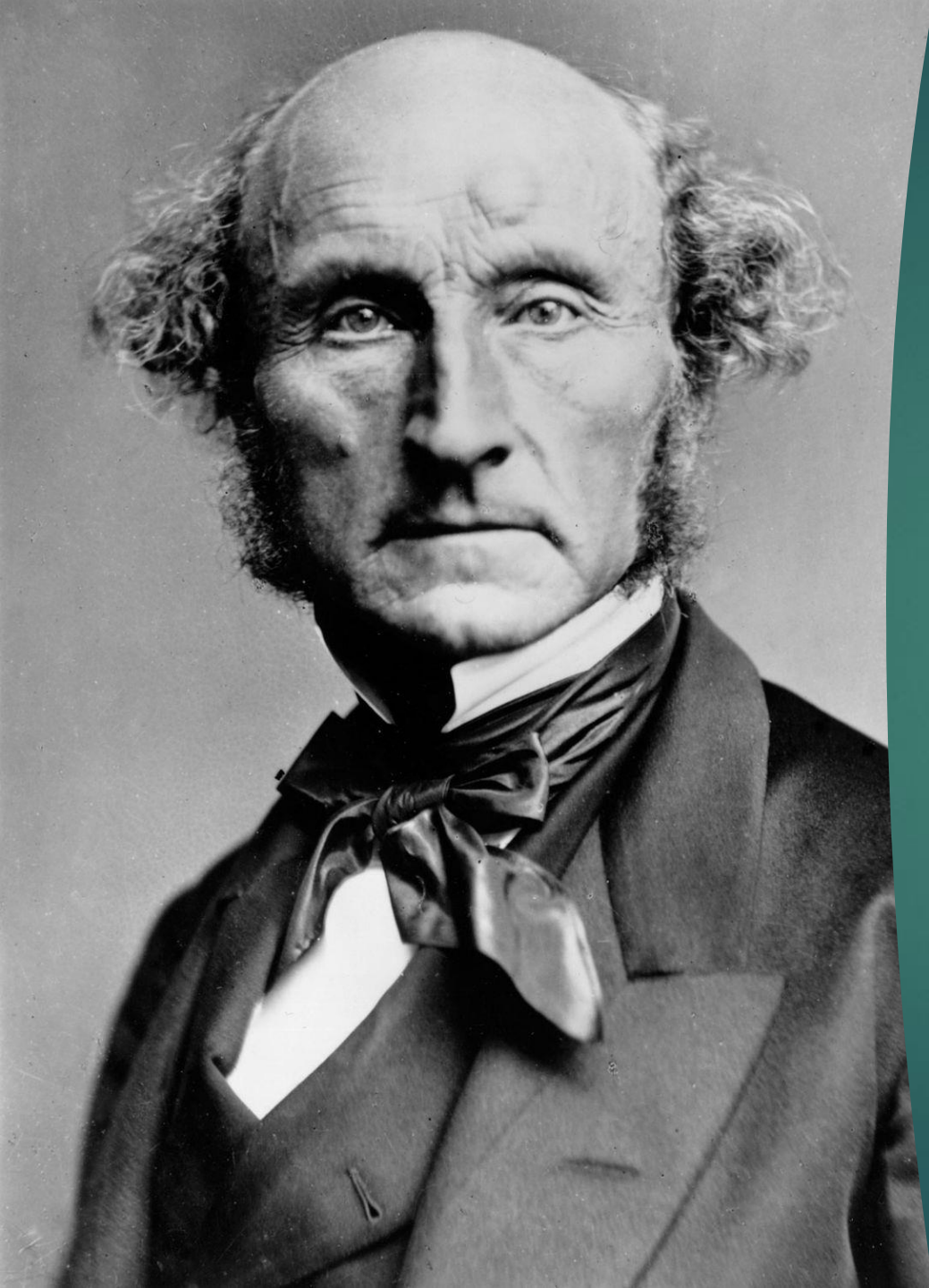
## John Stuart Mill - On Liberty (selections)

- ▶ “There is a sphere of action in which society has...only an indirect interest; comprehending all that portion of a person’s life and conduct which **affects only himself.**”
  - ▶ the inward domain of **consciousness**
  - ▶ liberty of **tastes and pursuits**;
  - ▶ framing the **plan of our life** to suit our own character; of doing as we like
  - ▶ freedom to **unite**, for any purpose not involving harm to others
- ▶ “**No society in which these liberties are not, on the whole, respected, is free.**”



## John Stuart Mill - On Liberty (selections)

- ▶ “The disposition of mankind, whether as rulers or as fellow-citizens to impose their own opinions and inclinations as a rule of conduct on others, is so energetically supported by **some of the best and by some of the worst feelings incident to human nature**, that it is hardly ever kept under restraint by anything but want of power.”
- ▶ “If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be **no more justified** in silencing that one person, than he, if he had the power, would be justified in silencing mankind.”



## John Stuart Mill - On Liberty (selections)

- ▶ **Argument from Truth:** “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.”
- ▶ “...in the human mind, **one-sidedness has always been the rule**, and many-sidedness the exception.”
- ▶ “It is certain that many opinions, now general, will be rejected by future ages”.
- ▶ “it is always probable that dissentients have something worth hearing to say for themselves, and that **truth would lose something** by their silence.”

# John Stuart Mill - On Liberty (selections)

- ▶ “First, if any opinion is compelled to silence, **that opinion may [turn out to] be true**. To deny this is to assume our own infallibility.”
- ▶ “Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a **portion of 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.”
- ▶ “Thirdly, 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.”
- ▶ “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.”



PHILOSOPHY & RELIGION

# What John Stuart Mill Got Wrong about Freedom of Speech

Fascist politics exploits freedom of speech for authoritarian ends.

JASON STANLEY

# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech (2018)

- ▶ Quoting Ernst Cassirer: “New words have been coined, and even the old ones are used in a new sense; they have undergone a **deep change of meaning**. This change of meaning depends upon the fact that these words which formerly were used in a descriptive, logical, or semantic sense are now used as **magic words** that are destined to produce certain effects and to stir up certain emotions.”
- ▶ “The argument from the “marketplace of ideas” model for free speech thus works only if society’s underlying disposition is to accept the **force of reason** over the power of **irrational** resentments and prejudice. Language becomes a vehicle for emotion rather than meaning.”



# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech

- ▶ “...conversation is not just used to communicate information.”
- ▶ “Disagreement requires a **shared set of presuppositions** about the world.”
- ▶ “Spreading general suspicion and doubt **undermines the bonds of mutual respect** between fellow citizens, leaving them with deep wells of mistrust not just toward institutions but also toward one another.”
- ▶ “Attempting to counter such rhetoric with reason is akin to using a pamphlet against a pistol.”





# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech

- ▶ “Mill seems to think that knowledge, and only knowledge, emerges from arguments between dedicated opponents.”
  - ▶ Question: did Mill ever say “only knowledge”?
- ▶ “Mill would surely then be pleased with the Russian television network RT, whose motto is “Question More.” If Mill is correct, RT, which features voices from across the broadest possible political spectrum, from neo-Nazis to far leftists, should be the paradigm source of knowledge production.”



# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech

- ▶ “However, RT’s strategy was not devised to produce knowledge. It was rather devised as a propaganda technique, to **undermine trust in basic democratic institutions.**”
- ▶ “**Objective truth is drowned out in the resulting cacophony of voices.** The effect of RT, as well as the myriad conspiracy-theory producing websites across the world, including in the United States, has been to **destabilize the kind of shared reality that is in fact required for democratic contestation.**”



# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech

- ▶ “The RT model is dangerous because it allows conspiracy theories to have a platform on par with reasonable, fact-based positions. When conspiracy theories become the coin of politics citizens no longer have a common reality that can serve as background for democratic deliberation.”
- ▶ “In such a situation, citizens have no choice but to look for markers to follow other than truth or reliability; as we see across the world, they look to politics for tribal identifications, for addressing personal grievances, and for entertainment.”



# Jason Stanley - What John Stuart Mill Got Wrong About Freedom of Speech

- ▶ “In Federalist Paper No. 10, James Madison argued that the United States had to take the form of a representative democracy and seek to elect leaders who best represented the values of democracy.”
  - ▶ Question: is this what Madison said?
- ▶ “some voters **do not share democratic values**, and politicians must appeal to them as well. When large inequalities exist, the problem is aggravated. Some voters are simply more attracted to a system that **favors their own particular religion, race, or gender.**”
  - ▶ Question: Stanley thinks this is a problem. Does Madison?



The objection likely to be made to this argument, would probably take some such form as the following. There is no greater assumption of infallibility in forbidding the propagation of error, than in any other thing which is done by public authority on its own judgment and responsibility. Judgment is given to men that they may use it. Because it may be used erroneously, are men to be told that they ought not to use it at all? To prohibit what they think pernicious, is not claiming exemption from error, but fulfilling the duty incumbent on them, although fallible, of acting on their conscientious conviction. If we were never to act on our opinions, because those opinions may be wrong, we should leave all our interests uncared for, and all our duties unperformed. An objection which applies to all conduct can be no valid objection to any conduct in particular.

It is the duty of governments, and of individuals, to form the truest opinions they can; to form them carefully, and never impose them upon others unless they are quite sure of being right. But when they are sure (such reasoners may say), it is not conscientiousness but cowardice to shrink from acting on their opinions, and allow doctrines which they honestly think dangerous to the welfare of mankind, either in this life or in another, to be scattered abroad without restraint, because other people, in less enlightened times, have persecuted opinions now believed to be true. Let us take care, it may be said, not to make the same mistake: but governments and nations have made mistakes in other things, which are not denied to be fit subjects for the exercise of authority: they have laid on bad taxes, made unjust wars. Ought we therefore to lay on no taxes, and, under whatever provocation, make no wars? Men, and governments, must act to the best of their ability. There is no such thing as absolute certainty, but there is assurance sufficient for the purposes of human life. We may, and must, assume our opinion to be true for the guidance of our own conduct: and it is assuming no more when we forbid bad men to pervert society by the propagation of opinions which we regard as false and pernicious.

# Anticipating Objections: Mill on Stanley

I answer, that it is assuming very much more. There is the greatest difference between presuming an opinion to be true, because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation. 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.

[...]

Strange it is, that men should admit the validity of the arguments for free discussion, but object to their being 'pushed to an extreme', not seeing that unless the reasons are good for an extreme case, they are not good for any case. Strange that they should imagine that they are not assuming infallibility when they acknowledge that there should be free discussion on all subjects which can possibly be doubtful, but think that some particular principle or doctrine should be forbidden to be questioned because it is so certain, that is, because they are certain that it is certain. 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.

# Anticipating Objections: Mill on Stanley



## Hannah Arendt – Truth in Politics (1967)

- ▶ “Seen from the viewpoint of politics, **truth has a despotic character.**”
- ▶ “The trouble is that factual truth, like all other truth, peremptorily claims to be acknowledged and **precludes debate**, and debate constitutes the very essence of political life. The modes of thought and communication that deal with truth, if seen from the political perspective, are **necessarily domineering**; they don't take into account other people's opinions, and taking these into account is the hallmark of all strictly political thinking.”
- ▶ “No opinion is self-evident...**factual truth is no more self-evident than opinion**, and this may be among the reasons that opinion-holders find it relatively easy to discredit factual truth as just another opinion.”

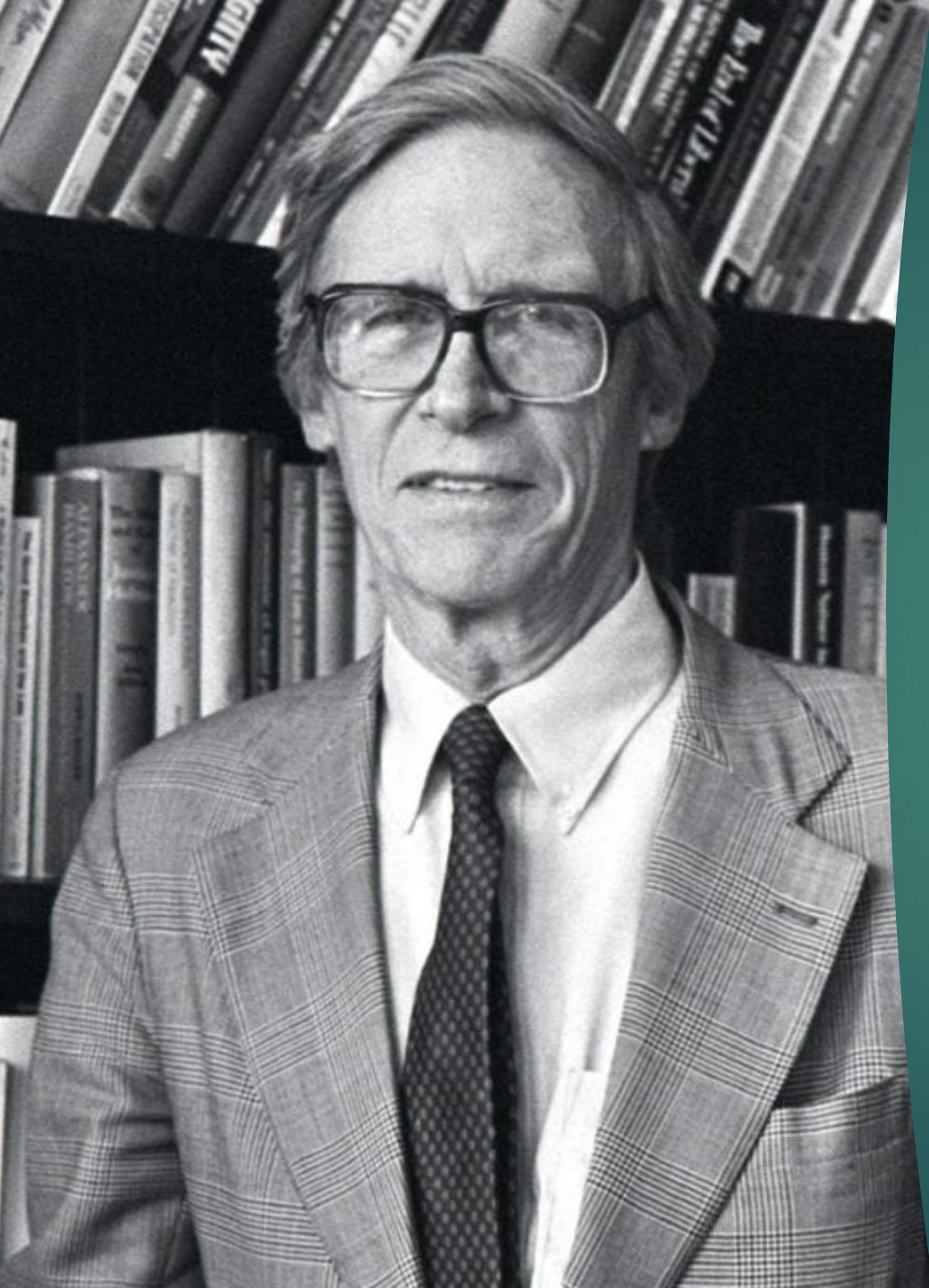
# *Stanford Encyclopedia of Philosophy - Toleration*

- ▶ Four concepts of toleration:
  - ▶ Permission (Edict of Nantes) – “toleration is a relation between an authority or a majority and a dissenting, “different” minority...the authority gives qualified permission to the minority to live according to their beliefs on condition that the minority accepts the dominant position of the authority or majority.”
  - ▶ Coexistence (Peace of Augsburg) – “the relationship between the subjects and the objects of toleration...groups that are roughly equal in power, and who see that for the sake of social peace and the pursuit of their own interests mutual toleration is the best of all possible alternatives. They prefer peaceful coexistence to conflict and agree to a reciprocal compromise, to a certain *modus vivendi*.”



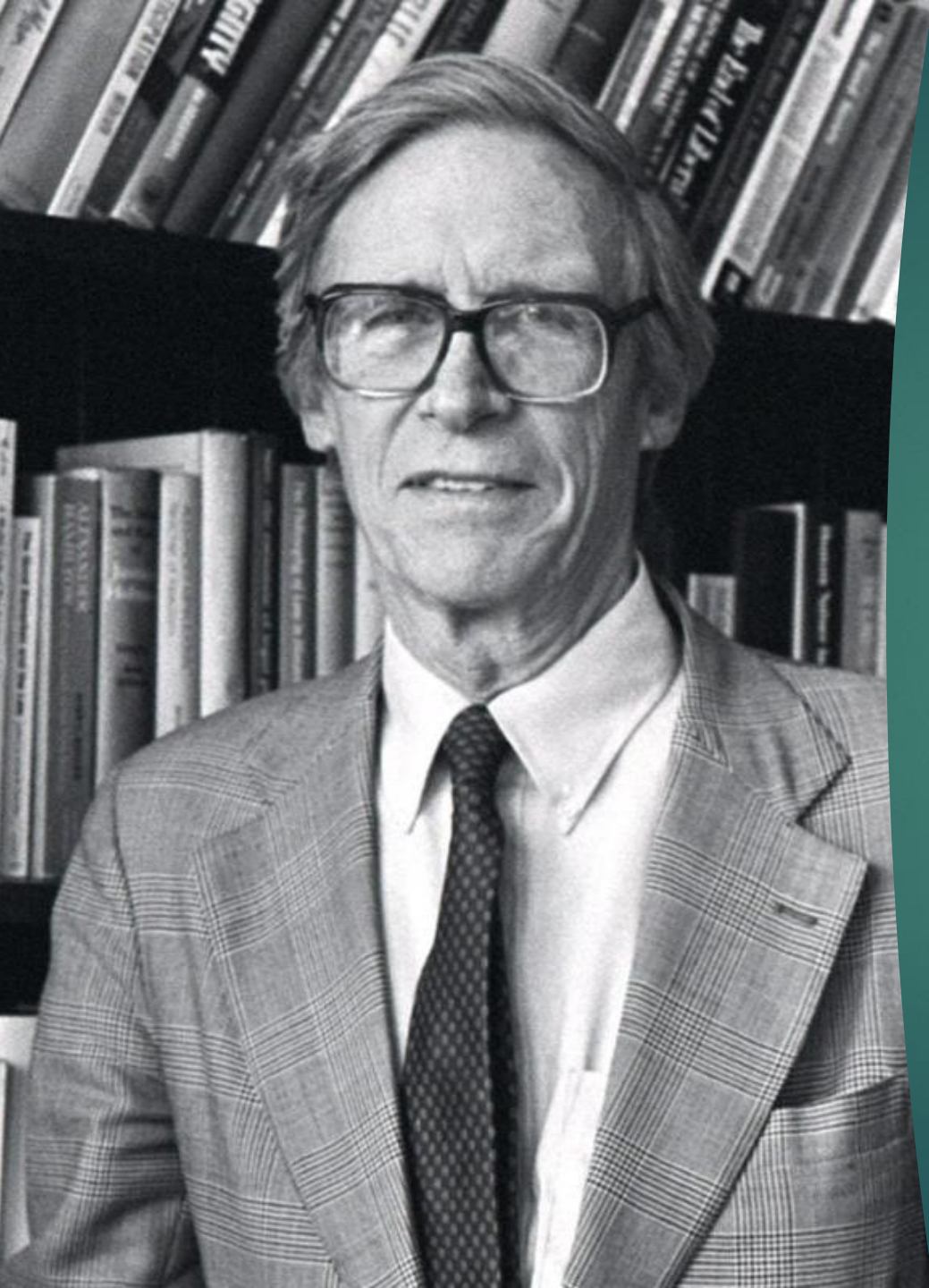
# *Stanford Encyclopedia of Philosophy - Toleration*

- ▶ Four concepts of toleration:
  - ▶ Respect (Laïcité) – “citizens recognize one another as moral-political equals in the sense that their common framework of social life should—as far as fundamental questions of rights and liberties and the distribution of resources are concerned—be guided by norms that all parties can equally accept and that do not favor one specific ethical or cultural community.”
  - ▶ Esteem – “being tolerant does not just mean respecting members of other cultural life-forms or religions as moral and political equals, it also means having some kind of ethical esteem for their beliefs, that is, taking them to be ethically valuable conceptions that—even though different from one’s own—are in some way ethically attractive and held with good reasons.”



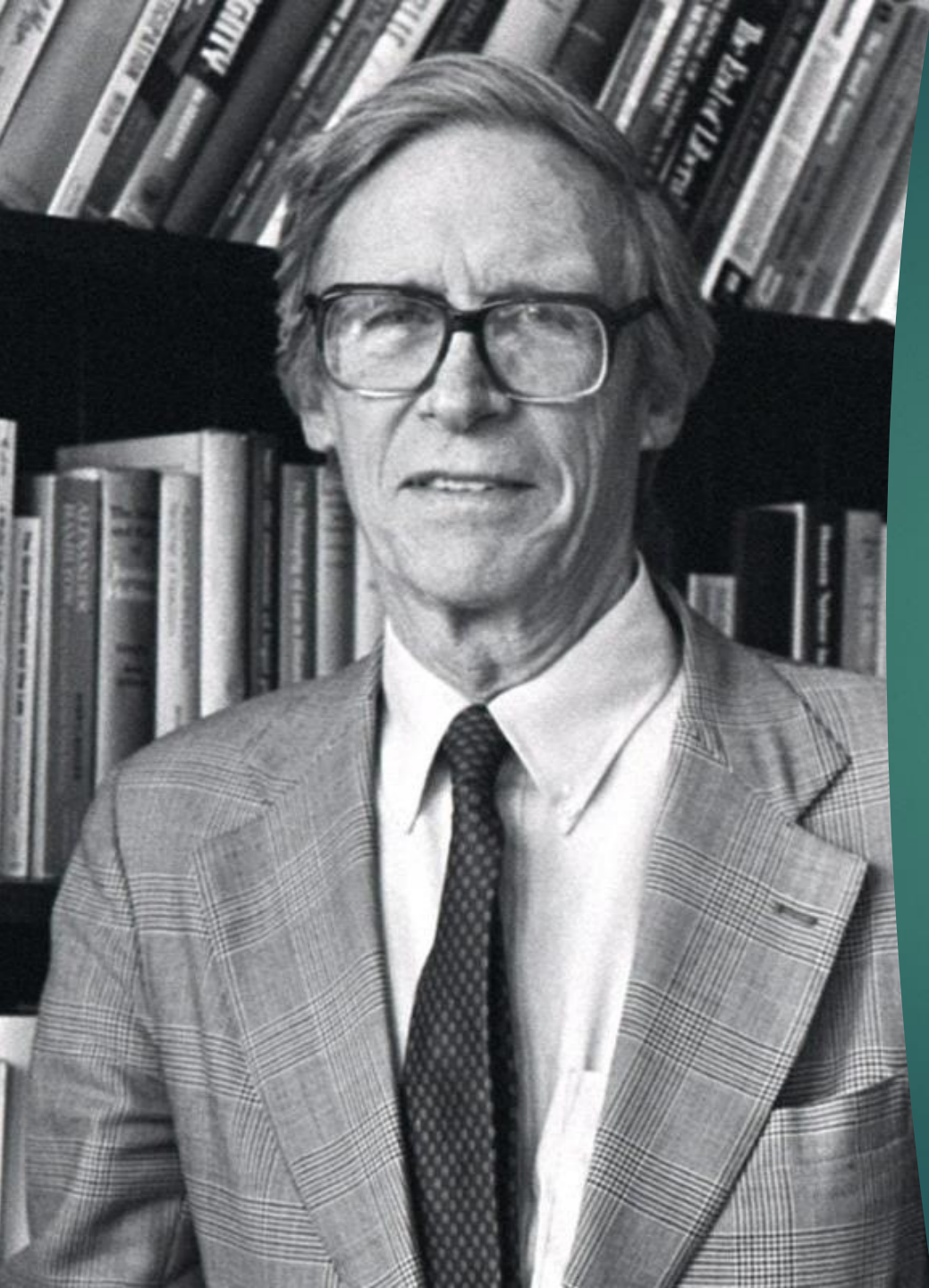
## John Rawls on toleration (selections)

- ▶ Historical developments influencing toleration:
- ▶ Protestant Reformation – “fragmented the religious unity of the Middle Ages and led to religious pluralism.”
  - ▶ “the appearance within the same society of a rival authoritative and salvationist religion, different in some ways from the original religion from which it split off, but having for a certain period of time many of the same features...pluralism made religious liberty possible.”
  - ▶ Prior to the Reformation, people believed “that social unity and concord requires agreement on a general and comprehensive religious, philosophical, or moral doctrine. Intolerance was accepted as a condition of social order and stability. The weakening of that belief helps to clear the way for liberal institutions.



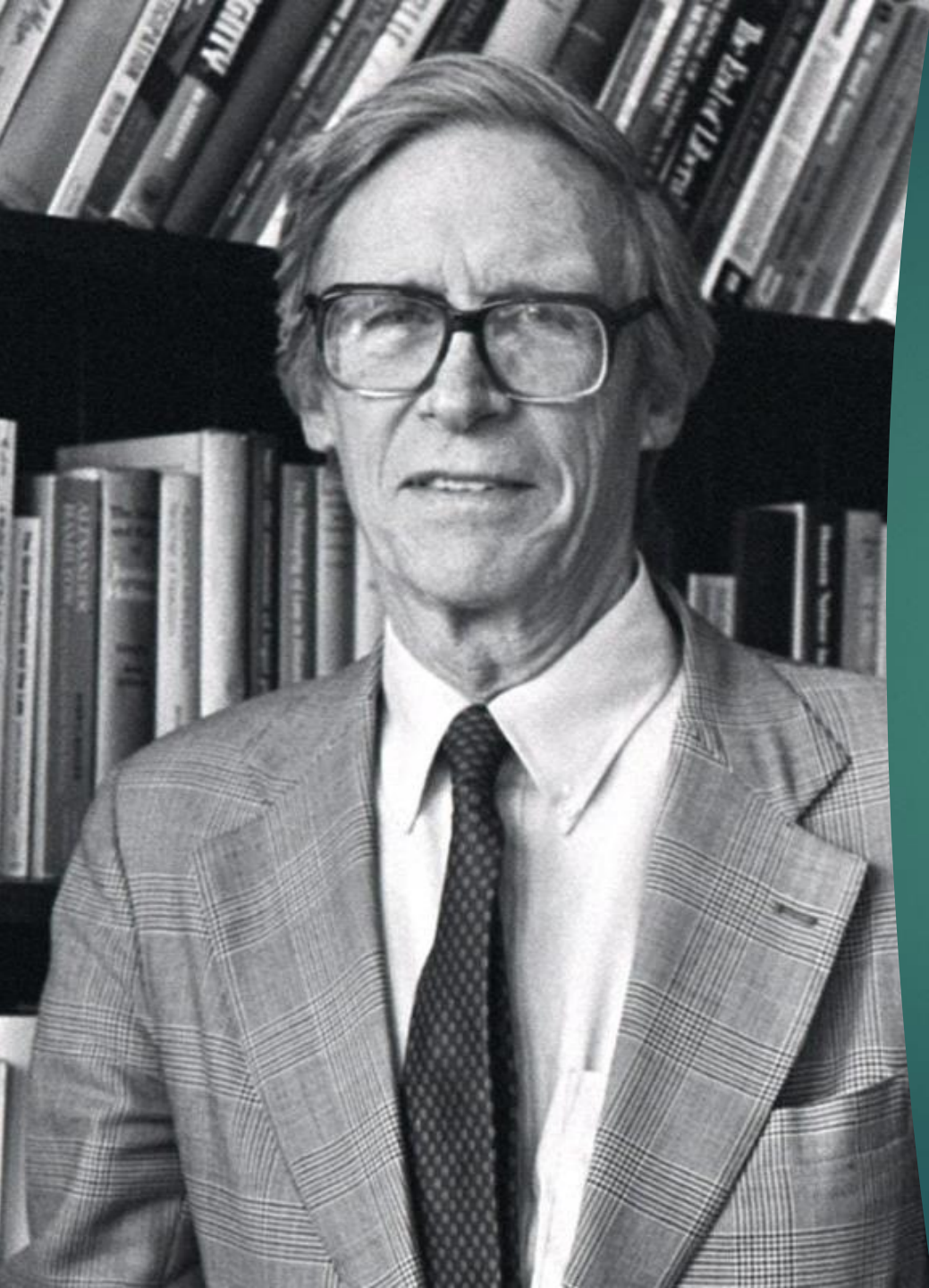
## John Rawls on toleration (selections)

- ▶ Modern states – “the development of the modern state with its central administration.”
- ▶ Science – “the development of modern science beginning in the seventeenth century.”
- ▶ “Thus, the historical origin of political liberalism (and of liberalism more generally) is **the Reformation and its aftermath**, with the long controversies over religious toleration in the sixteenth and seventeenth centuries. Something like the modern understanding of liberty of conscience and freedom of thought began then.”
- ▶ “Liberty of conscience is limited, everyone agrees, by the common interest in public order and security. This limitation itself is readily derivable from the **contract point of view**.”



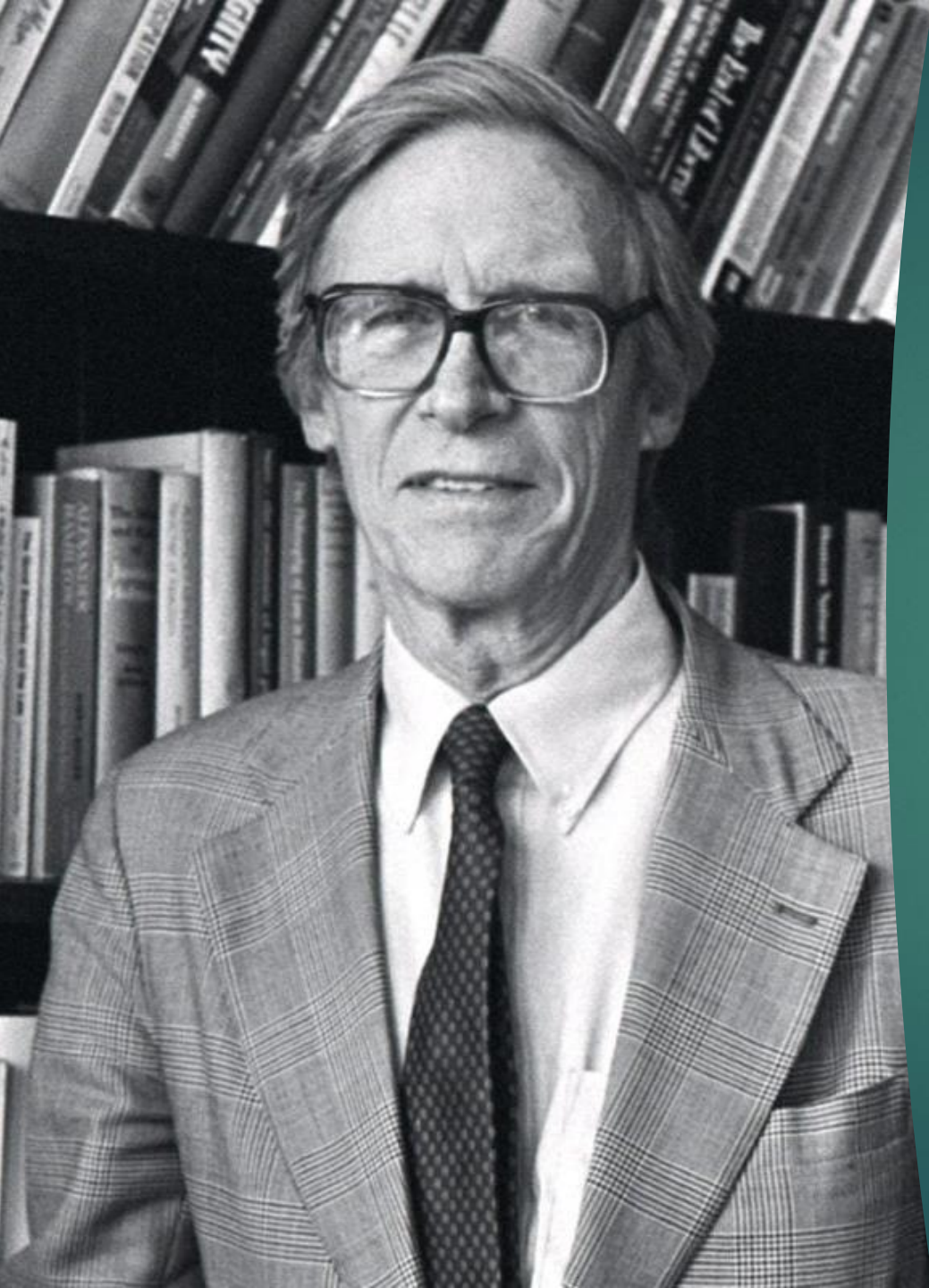
## John Rawls on toleration (selections)

- ▶ Toleration is “based solely on a conception of justice. Toleration is not derived from practical necessities or reasons of state.
- ▶ When can we limit liberty?
  - ▶ “The limitation of liberty is justified only when it is necessary for liberty itself, to prevent an invasion of freedom that would be still worse.”
  - ▶ We should “restrain liberty of conscience at the boundary...of the state’s interest in public order.”
- ▶ “liberty of conscience is to be limited only when there is a reasonable expectation that not doing so will damage the public order which the government should maintain.”
  - ▶ “the consequences for the security of public order should not be merely possible...but reasonably certain or imminent”



## John Rawls on toleration (selections)

- ▶ “The characteristic feature of these arguments for liberty of conscience is that they are **based solely on a conception of justice**...this is not done in the name of maximizing liberty.”
  - ▶ “...the only ground for denying the equal liberties is to avoid an even greater injustice, an even greater loss of liberty.
- ▶ Does justice require “the toleration of the intolerant”?
  - ▶ Not necessarily
  - ▶ “Justice does not require that men must stand idly by while others destroy the basis of their existence.”
- ▶ Does justice permit us to “curb the intolerant when they are of no immediate danger to the equal liberties of others”?
  - ▶ Possibly – “there must be some considerable risks to our own legitimate interests.”



## John Rawls on toleration (selections)

- ▶ But **when the constitution itself is secure**, there is no reason to deny freedom to the intolerant.
  - ▶ Examples? Is Rawls right?
- ▶ “The conclusion, then, is that while an intolerant sect does not itself have title to complain of intolerance, its freedom should be restricted only when the tolerant sincerely and with reason believe that their own security and that of the institutions of liberty are in danger. The tolerant should curb the intolerant only in this case.
- ▶ “the principles of justice can adjudicate between opposing moralities just as they regulate the claims of rival religions.”



Good luck on the final essay!!