

# Liberty, Authority and the Negative Dialectics of J.S. Mill

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## I Overview

Social systems do not automatically reproduce themselves, and it may require an immense effort to create or recreate conditions of possibility for the continued reproduction of a particular social order, or component part of a social system. For at least part of the nineteenth century in Britain it was no easy task to sustain the conditions of possibility of both capitalist production and a particular kind of parliamentary government, and for much more of the century the task was perceived as existing. Its magnitude is visible not only in the historical record of disorder, moral and political, but also in the volume of theorising devoted to consideration of how to reproduce both capitalism and parliamentary government.

In this article, I examine the internal structure and intellectual sources of some aspects of the utilitarian contribution to that theorising, as represented in the work, principally, of John Stuart Mill, but also of James Mill, John Austin and Sir George Cornewall Lewis. I shall be concerned mainly with Mill's theory of authority and his theory of liberty, and, more specifically, their internal interrelation. I shall argue that the kind of liberty Mill defends in *On Liberty* has the characteristics which it does, firstly, because it is a component of a theory of authority adhered to by Mill from about 1830, formulated by him in *The Spirit of the Age* (1831) [2] in terms borrowed from Austin, and developed at much greater length than it ever was by Austin or Mill in Lewis's *An Essay on the Influence of Authority in Matters of Opinion* (1849) [3]. This theory of authority is not only specific to Utilitarianism (as argued by Richard B. Friedman in a very important study to which I am indebted [4]) but historically specific, for it is a theory of the conditions of the possibility of political order in a society in which the Agricultural and Industrial Revolutions have already occurred, the truths of Political Economy are established, and the establishing of truths in other branches of moral and political science is in prospect. This theory of authority is the subject of Section II of this article.

But, secondly, Mill's theory of liberty is as it is because of his adherence to a particular theory of the nature of moral and political truth and the means of arriving at such truths, a theory which is, essentially, Platonism without a theory of Forms. Mill takes over from Plato a dialectical methodology for the pursuit of moral and political truth, divorced from Plato's correspondence epistemology of the nature of truth as consisting in the adequation of our ideas to the Forms which pre-exist them. In section III below, I consider both the nature of Mill's Platonism and its consequences for his theory

of liberty. The utilitarians' understanding of Greek history and philosophy also undoubtedly influenced their thinking on the kind of political authority relationship possible in nineteenth-century Britain, a topic I shall only briefly touch on [5].

## II Models of Authority

The Art of printing exists. And the irresistible progress of the information which it diffuses necessitates, not a change merely, but a perfect revolution in the art of governing mankind. In the times that are gone, the art of government has consisted in a mixture of fraud and force in which, commonly, the fraud predominated. In the times that are to come, as fraud will be impracticable, and as knowledge of what is good and what is evil in the mode of managing the national affairs cannot be withheld from the nation, government will be left either to rational conviction, or to naked force. This is the grand revolution of modern times [6].  
(James Mill)

This quotation shows the author of the geometrical theory of government thinking historically about the conditions of possibility of political order - though, admittedly, the history is schematic and represents commonplace Enlightenment thinking. For my present purposes, the quotation is of interest in two respects. First, because Mill takes for granted the notion that mankind still needs governing. Ten years previously, in the essay on *Government*, James Mill had been explicit in ruling out the possibility of mankind governing themselves in what we should now call a direct democracy. Second, it is of interest because it advances 'rational conviction' as a condition of the possibility of political order. In this, Mill apparently departs from advocacy of the deference politics he described in the final section (section X) of *Government*, and which served to answer the objection to his proposals for franchise extension, 'That the People are not capable of acting agreeably to their Interest'. In that section, he argues that the working class does and will defer in forming and expressing political judgements to the views of the middle rank:

The opinions of that class of the people, who are below the middle rank, are formed, and their minds directed by that intelligent and virtuous rank, who come the most immediately in contact with them, who are in the constant habit of intimate communication with them, to whom they fly for advice and assistance in all their numerous difficulties, upon whom they feel an immediate and daily dependence, in

health and in sickness, in infancy, and in old age; to whom their children look up as models for their imitation, whose opinions they hear daily repeated, and account it their honour to adopt.

[7]

The trouble with this picture was that it was already becoming anachronistic when it was painted. The Agricultural and Industrial Revolutions, as every sociology student knows, destroyed *gemeinschaft* (organic) relations and substituted *gesellschaft* (contractual) ones; there was no question of the capitalist class playing out, as individuals, in large manufacturing towns, roles modelled on those of the Anglican clergy and rural squirearchy, and this impossibility was created more by the steam engine than the art of printing. Though some thinkers - romantic reactionaries and Utopian socialists - continued to think in organic terms, for Utilitarians who accepted the Agricultural and Industrial Revolutions a major problem existed of determining the kinds of political relations possible in nineteenth-century Britain. The problem has an analogue in that which Socrates and Plato and those they spoke for confronted in post-Homeric Greece: the *demos* (the people) could only be tamed for a new position, not by a reversion to Homeric models [8]. The analogy was not lost on nineteenth-century Utilitarians.

But in what way could 'rational conviction' provide a solution to the problem of governing mankind? To answer this question, it will be useful to sketch in abstract three possible conceptions of rational conviction, or, rather, three constellations of conceptions.

First, there is a family of conceptions I shall call *monologic* [9] in which rational conviction is an achievement of individuals not essentially dependent on any community of inquiry or evaluation. Such individuals engage in the collection and consideration of evidence, which in the dominant empiricist tradition of monologism consists in facts (the products of observation and introspection) expressible in an observation language which allows theory-independent access to both inner and outer Nature (human nature and the external world), to which observation statements, if true, correspond. This activity generates beliefs and is the source of rational conviction (alternatively expresses as 'moral certainty' or 'assurance' in Enlightenment writings) provided that *all* the evidence is gathered and subjected to unbiased unprejudiced scrutiny (the requirement of 'indifference'). In other words, the characterisation of the nature of evidence and truth in monological epistemologies is interdependent with an account of how the business of enquiry ought to be conducted if it is to yield rational conviction. In Locke, for example, the theories advanced in the *Essay Concerning Human Understanding* [10] are interdependent with the prescriptions to avoid bias and selectivity found in Locke's *The Conduct of the Understanding*, a work little read nowadays, but held in high regard by nineteenth century utilitarians [11].

In contrast, a second family of conceptions of rational conviction, which I shall call *dialogic*, departs from the monologic picture at either or both of two levels. First, it is disputed that enquiry could be in principle a private enterprise, either because of the enquirer's dependence on a public language or on producing intersubjectively verifiable observations (which banishes any use of introspection) or both. These claims usually go along with a denial of the possibility of a neutral observation language, and an insistence on the theory-dependence of all enquiry, but I do not think this is a necessary connexion. Wittgenstein's work typifies this first kind of dialogism. Second, the idea that individuals

could in isolation correct for their own biases and arrive single-handedly at a rational conviction is resisted by all those theories inspired by Plato's dialogues, notably the *Gorgias*. Plato insists that rational conviction is something of which only the person whose opinions have withstood the critical scrutiny of others is capable, internal dialectic being at best a poor substitute for living, external dialectical argument. Such an approach is relevant not only to scientific enquiry and the pursuit of self-knowledge, but to the organisation of political debate in a public sphere which is where citizens strive to achieve a rational political will [12]. Hannah Arendt's ideas are very much a development of this second aspect of dialogism [13]. Both aspects are, I think, welded together in the work of philosophers like C.S. Peirce and Josiah Royce [14], and Royce's claim that 'interpretation is a conversation and not a lonely enterprise' might serve as a mnemonic both for what dialogic conceptions are about, and for



what they contrast with. In section III below, I will quote J.S. Mill expressing similar sentiments.

However, from the standpoint of nineteenth-century utilitarians, both the monologic and dialogic account of rational conviction could be accepted as coherent and admirable - yet totally inapplicable, because not generalisable as models of political or moral conviction in a society based on capitalist production and division of labour. The reasons are quite straightforward. Both Austin and J.S. Mill argue that realisation of the monologic conception in the political (and ethical) domains would demand a commitment of *time* much in excess of the free time available to wage labourers. Thus, Austin writes that, 'ethical, like other wisdom, "cometh by opportunity of leisure"'. And since they are busied with earning the means of living, the many are unable to explore the field of ethics, and to learn their numerous duties by learning the tendencies of actions' [15]. And J.S. Mill reiterates this in the second article in the series *Spirit of the Age* arguing that the necessity of labour for the great mass of mankind means that while 'it is desirable that all should be firmly persuaded [of the ground of opinion] ... [the minority] alone can entirely and philosophically know' [16]. Lest this should seem inconsistent with the doctrines of Locke, to which utilitarians were committed, Mill says that Locke's doctrines were intended for *students* 'for whom alone the great man wrote' [17] - a view which could be supported from Locke's own equivocating statement, 'What colours may be given to this [principling of pupils and students] or of what use it may be when practised upon the vulgar, destined to labour and given up to the service of their bellies, I shall not here enquire' [18], which at least

suggests that for all the polemical demagoguery of the *Essay Concerning Human Understanding*, Locke's model of the pursuit of knowledge is not intended to be prescriptive for everyone.

As for the dialogic conception, that too is non-generalisable because of the demands on time it would make; as I noted above, James Mill in *Government* rules out direct democracy for this reason. Even if institutionalised through the written word (which Enlightenment thinkers like Condorcet tended to prefer to the spoken as a medium of political discussion), the dialogic conception can only lead to rational conviction among people who, apart from every other requirement, know how to gather, evaluate and compare evidence. In other words, dialogic practice depends on an intellectual culture which the mass of humankind lack, and which, in virtue of a division of labour sanctioned by the truths established by Political Economy, they will continue to lack in the foreseeable future, even with the introduction (favoured by utilitarians) of universal elementary education.

These considerations not only rule out the monologic and dialogic models as candidates for the kind of rational conviction which could sustain a political order, but point towards a third, generalisable, conception of *rational conviction founded upon authority*. Austin puts the case for this as follows:

I firmly believe (for example) that the earth moves round the sun; though I know not a tittle of evidence from which the conclusion is inferred. And my belief is perfectly rational, though it rests upon mere authority. For there is nothing in the alleged fact, contrary to my experience of nature; whilst all who have scrutinized the evidence concur in confirming the fact; and have no conceivable motive to assert and diffuse the conclusion, but the liberal and beneficent desire of maintaining and propagating truth.

[19]

In this passage, Austin shows the utilitarians [20] how belief in authority can be consistent with rationality, and indeed required by it - something unappreciated in what one might call popular Enlightenment thought, and denied in some radical Enlightenment thinking. Nor is the rationality of belief on authority a second-best rationality, which could be improved upon if we were prepared to dispense with the division of intellectual labour. For, first, it is a general fact about human existence that people are located at different points in space and time, so that the testimony of some people will always be authoritative about matters to which they alone were and could have been witnesses. And, second, the nature of the scientific enterprise had by the nineteenth century clearly turned out to be such that the discovery of new truths was only possible on the basis of an extensive intellectual division of labour. Thus, in principle, the laity stood to be better off as a result of believing on authority in the results achieved by specialists in a particular branch of science than they would have been by any pursuit of intellectual self-sufficiency. This is only the case, however, because it is less *time-consuming* to believe on authority than otherwise and because authorities are *recognisable*. I shall consider these two aspects in turn.

That it is less time-consuming makes the model of belief on authority generalisable, in a way that the monologic and dialogic models were not. It is possible for wage-labourers to have rational convictions founded upon authority, because it is only required that they have time to hear or read the conclusions arrived at by the authorities in the various branches of knowledge in order forthwith to adopt them.

But are authorities always recognisable and how indeed are they to be recognised? Do they always exist? It is these latter questions which come to

preoccupy Lewis and J.S. Mill, though they are not the first to be concerned with them: Condorcet, for instance, whom Mill admired, had been led to think about the marks of authority in leading the fight against Mesmerism in Paris during the 1780s, and raised all the questions which reappear in Lewis and Mill [21].

Austin writes of the astronomers as people who (1) have scrutinized the evidence; (2) unanimously agree that the earth moves round the sun; and (3) have no conceivable motive to lie or express a biased conclusion. In his *Essay on the Influence of Authority in Matters of Opinion* Lewis develops at much greater length than does Austin an account of the marks of authority. He distinguishes four marks of trustworthy authority, that is, criteria for distinguishing those whose opinions can rationally be accepted on authority with respect to those subjects for which they satisfy the criteria. First, says Lewis, *long study* or practice of a subject or art is such a mark and distinguishes 'all the great luminaries of science, whether mathematical, physical, metaphysical, ethical or political' (p.28). Second, it must be clear that the *mental power* of the person whose authoritativeness is being assessed is equal to the subject in question. (In passing, Lewis mentions *certification* as a public mark that these two criteria are satisfied.) Third, the putative authority, 'ought to be exempt, as far as possible, from personal interest in the matter', or if not, 'his honesty and integrity ought to be such as to afford a reasonable security against the perversion of his opinions by views of individual advantage' (p.28). This view has an historical analogue in Ancient Greek arguments over whether teachers should accept payment for their teaching, and historical precedents in the ideas of Locke, to whom Lewis refers. Fourthly, Lewis proposes a mark of authority which does not refer to properties of individual subjects, arguing that 'with respect to subjects of speculation and science, the existence of an *agreement* of the persons having the above qualifications (the first three marks above) is the most important matter. If all the able and honest men who have diligently studied the subject, or most of them, concur, and if this consent extends over several successive generations, at an enlightened period, and in all or most civilised countries, then the authority is at its greatest' (p.42), as it is with astronomy. In such cases, we can feel confident of the rationality of our believing on the simple authority of what others say. The justification of the authoritativeness of this last mark raises extremely interesting epistemological and political issues, discussion of which occurs in both French and English political theory [22].

It is because the utilitarians believed in the possibility of knowledge of ends, of a prescriptive moral and political art, that they could adopt an account of the authority relation between the natural scientists and the layperson and propose it as a model for the future organization of the relationship between humankind and its governors - specifically, between the working class and political leaders, whose leadership would be justified in terms of superior knowledge, and whose authority it would be literally irrational not to accept. Such a proposal is at the heart of J.S. Mill's writings [23].

Of course, a case has to be made out that people - and in particular the urban working class - are not, or need not be, irrational, despite their apparent predilection for all kinds of quacks and charlatans, whether religious, medical or political. Human rationality is seen by Lewis and J.S. Mill as something which social organisation, and particularly schooling, can increase: Mill, for example, in the *System of Logic* defines a science of ethology, corres-

ponding to the art of education, which would study the formation of character as a branch of general psychology [24] and in *On Liberty* he makes numerous remarks of an ethological character on the conditions favourable and unfavourable to the production, among much else, of 'logical, consistent intellects' [25].

There are many other loose ends to the theory which utilitarians were generally aware of and sought to tidy up. Let me simply note here that the intellectualist account of how political authority relations was essentially based on rational deference to superior wisdom can clearly be applied in a *gesellschaft* society, since it does not suppose the existence of intimate, personal ties between those who know and those who do not. It does not even require personal contact, since the conclusions of those who know can be diffused in printed form: free-floating Mannheimian intellectuals can happily and effectively operate in a society characterised by personal mobility and anonymity. Here there is again a parallel in Plato's and Socrates' recognition of the changed social conditions of post-Homeric Greece, and their response to that. After all, *The Republic* is the very first intellectualist theory of government, in which those who know rule those who do not, though rulers and ruled remain essentially strangers to each other [26].

### III Liberty, Negative Dialectics, and Rational Authority

The utilitarians firmly believed in the possibility of knowledge of ends, and specifically in happiness as the single end against which all actions, policies and politics should be judged. J.S. Mill's *Utilitarianism* opens with a sentence in which it is presupposed that the 'controversy respecting the criterion of right and wrong' is decidable, and goes on to stress the common ground between intuitionists and utilitarians, for 'the intuitive school affirm as strongly as the inductive, that there is a science of morals' [27]. But, of course, the utilitarians were perfectly well aware of the backward state of both the prescriptive arts and the moral sciences (excepting political economy) in contrast to that achieved in the natural sciences (or their image of them) and in particular aware of the extent of disagreement in the moral and political field. They had an explanation for this, which was not a new one. Austin expresses the general view when he says, 'It was the opinion of Mr. Locke, and I fully concur in the opinion, that there is no peculiar uncertainty in the *subject* or *matter* of these [moral] sciences: that the great and extraordinary difficulties, by which their advancement is impeded, are *extrinsic*; are opposed by sinister interests, or by prejudices which are the offspring of such interests' [28]. Mill shared this view, and even if in *On Liberty* the day of eventual consensus about morals and politics tends to be indefinitely put off, Mill's work shows a life-long concern with the pursuit of truth about questions most philosophers now regard as, ultimately, matters for decision; and, in addition, his critical reviews of rival moralists (for instance, Sedgwick and Paley [29]) include demonstrations of the interests and prejudices which motivate fallacious arguments.

What is, in my view, not sufficiently appreciated is the position Mill takes with regard to the methodology he believes to be appropriate for the pursuit of truth about questions of value.

Though it is never stated in one place [30], Mill does have a consistent, developed doctrine about the Method of Art, Mill's name for the study of ends. In his view, the appropriate method for Art is dialectics, as pioneered in both its positive and negative

parts by Socrates and Plato, and added to by Aristotle.

In the *Inaugural Address to the University of St. Andrew's* there is a clear statement of the crucial methodological role of dialectics; Mill says:

Human invention has never produced anything so valuable, in the way both of stimulation and of discipline to the inquiring intellect as the dialectics of the ancients.... No modern writings come near to these, in teaching, both by precept and example, the way to investigate the truth, on those subjects, so vastly important to us, which remain matters of controversy, from the difficulty or impossibility of bringing them to a directly experimental test ... with all this vigorous management of the negative element, they inspire no scepticism about the reality of truth, or indifference to its pursuit [31].

Mill said this in 1867; in 1866 he had published a lengthy essay on Plato in the form of a review of George Grote's *Plato and Other Companions of Sokrates* [32], an essay for the writing of which he prepared himself by re-reading in Greek *all* of Plato [33]. In this essay he says of negative dialectics, the testing of every opinion by negative scrutiny, that it 'could only be done effectively by means of oral discussion.... Its pressure was certain, in an honest mind, to dissipate the false opinion of knowledge [Plato's *doxa*] and make the confuted respondent sensible of his own ignorance', adding that negative dialectics is 'one branch of an art which is a main portion of the Art of Living' [34].

As for positive dialectics this involves precise definition and description as well as argument for a doctrine. In *Utilitarianism* Mill engages in positive argument in support of the Principle of Utility, advancing considerations 'capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof' [35].

Many other remarks by Mill on dialectics could be quoted from the *Autobiography*; from the late essay on *Aristotle*; and, of course, from *On Liberty* [36]. Mill rejects, however, the Platonic doctrines of Forms [37] and this confronts him with the problem of finding an alternative epistemology to complement his dialectical (dialogic) methodology, a problem I am not sure that he resolves. This will become clear in the course of the remainder of this section.

Dialectics, as the method of pursuing truth about questions of Art, has distinct social conditions of possibility; it cannot be practised under all conceivable social circumstances. In particular, its negative element involves one person, A, criticising (testing by negative scrutiny) the opinions of another, B, as a result of which these opinions will be shown either to be mere opinions (*doxa*), though B falsely believed them to be justified true beliefs (that is, knowledge), or else the opinions will withstand the dialogic test, and can henceforth be held by B in the full, rational conviction that they constitute knowledge. But this process of testing is only possible if A is at liberty to criticise B's opinions. Dialectics is only possible in conditions of social freedom. And in Chapter 2 of *On Liberty*, Mill defends liberty of thought and expression as a condition of possibility of the dialectical pursuit of knowledge. At the risk of repeating the familiar, I want to say a little about this.

Consider, first of all, how Mill deals with the objection to liberty of thought and expression that, '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' (p.231). To this Mill replies:

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 purposes 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.*

(p.231)

Here 'rational assurance' has the sense which 'rational conviction' had in the second dialogic model outlined in section II above. In a moment I shall show how what Mill is saying in *On Liberty* relates to the third model of rational conviction on authority; but first of all let me note that Mill recognises that consensus or unanimity, which is after all the goal of the practice of dialectics, must have disadvantages if what Mill says in the passage just quoted is so. For once a rational consensus has been achieved, there will be no one minded to contradict our opinions, though they are free to do so. Mill takes the view that this consequence is, indeed, disadvantageous, and looks for 'some contrivance' to weaken its impact - a contrivance he finds in the 'Devil's Advocate' use of negative dialectics [38].

But is *everyone* to submit to the negative scrutiny of their opinions, as subjects in a dialogue, as Mill seems to suggest? In my reading, Mill does not regard this as necessary [39]. It is quite possible for some people to take their opinions on the authority of others provided those others *themselves* practice dialectics (as Mill answers objections all the way through *On Liberty*; criticises intuitionists in numerous places; defends the principle of Utility in *Utilitarianism*, and so on). Dialectics is compatible with an intellectual division of labour, but the rationality of belief on authority can *only* be sustained in matters of Art [40] if putative authorities conduct their activities in conditions of liberty - that is, in a *communication situation free of domination*, to use a Habermasian expression. Much of Chapter 2 of *On Liberty* is devoted to the description of the conditions which must be satisfied for the constitution of such a communication situation. In addition to the liberty to practise negative dialectics, Mill says that it is also necessary that participants in argument have honest minds; must not be too timid to state what they really think; and must adhere to a 'morality of public discussion' (p.259). In all of this, Mill is describing characteristics of what Habermas would call an ideal speech situation [41].

But Habermas is right to argue [42] that Mill describes a communication situation free of domination not only 'from above' (from the State) but also 'from below' (from public opinion). His attitude to liberty is thus ambivalent [43]. For public opinion, before it has submitted to authoritative guidance, is not only the domain of unexamined opinions, but also hostile to the unhindered pursuit of truth, and in particular to having negative dialectics practised on *its* opinions [44]. That Mill's *On Liberty* is directed as much against public opinion as the State has always been recognised; to cite a relatively unfamiliar source, Grote in *Plato and the other Companions of Sokrates* says of *On Liberty* that it 'stands almost alone as an unreserved vindication of the rights of the searching individual intelligence against the compression and repression of King Nomos' [45]. In this connection, let me also point out that Mill's concern with *individuality* in *On Liberty* not only parallels what Pericles singled out as an Athenian virtue [46] but has a cognitive justification, as

comes out in the following passage:

Originality is not always genius, but genius is always originality; and a society which looks jealously and distastefully on original people - which imposes its common level of opinion, feeling and conduct, on all its individual members - may have the satisfaction of thinking itself very moral and respectable, but it must do without genius.

[47]

In other words, those who can lead in intellectual as well as political matters will often pursue unorthodox careers and lead unconventional lives, and society is the loser by not tolerating those aspects of their individuality. His liaison with Aspasia does not alter the fact that Pericles is a greater figure than the mediocre, but respectable, Nicias [48].

In sum, the Few whose business it is to search for knowledge of Ends, as part of the division of intellectual labour, must practise - and be free to practise - negative dialectics both upon each other's opinions, if trustworthy authorities are to be formed, and upon public opinion, in pursuit of the goal of a rational society and political order. Theirs is a difficult task, the nature of which is jointly defined by a conception of a political order sustained by voluntary deference to superior wisdom - rational conviction founded upon authority - and a dialectical theory of the pursuit of truth, and specifically the truths of Art.

The consequences of Mill's Greek-inspired dialectics are quite different from the consequences of the positivism of a Comte. The following passage from *Auguste Comte and Positivism* brings together many of the topics and arguments I have considered so far in this article and shows how Mill is able to distance himself from Comte:

It is, without doubt, the necessary condition of mankind to receive most of their opinions on the authority of those who have specially studied the matters to which they relate. The wisest can have no other rule, on subjects with which they are not themselves thoroughly conversant; and the mass of mankind have always done the like on all the great subjects of thought and conduct, acting with implicit confidence on opinions of which they did not know, and were often incapable of understanding, the grounds, but on which as long as their natural guides were unanimous they fully relied, growing uncertain and sceptical only when these became divided, and teachers who as far as they could judge were equally competent, professed contradictory opinions ... in order that this salutary ascendancy over opinion should be exercised by the most eminent thinkers it is not necessary that they should be associated and organized. The ascendancy will come of itself when the unanimity is attained, without which it is neither desirable nor possible. It is because astronomers agree in their teaching that astronomy is trusted, and not because there is an Academy of Sciences or a Royal Society issuing decrees or passing resolutions.

[49]

Now in isolation, the last sentence of this quotation is compatible with the idea that scientists could 'agree in their teaching', though working monologically. Each would arrive independently at the same results, and the epistemological worth of this would be assessable in Condorcetian terms. However, it is clear that it is not Mill's intention to sustain that position, since he extends the dialogic process to the sciences. Furthermore, there is evidence that Mill took the view that dialogue was

necessary not only to *testing* an opinion, but even for *formulating* it. If this is the case, Mill has as much in common with C.S. Peirce and Josiah Royce as he has with positivism. Consider the following passage:

Why is it, then, that there is on the whole a preponderance among mankind of rational opinions and rational conduct? ... 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. He is capable of rectifying his mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted.

[50]

The stress on corrigibility would be agreeable to Popper. The idea that experience requires interpretation through discussion, however, suggests the necessity of a realist, rather than a phenomenalist-empiricist ontology and epistemology, which distinguishes appearance and reality, and makes the gaining of access to the latter a collective enterprise. The standard of truth is a reality which is revealed through a social practice.

But though true statements of science are those which correspond to a reality dialogically apprehended, to what could true statements of *ends* correspond, if to anything at all? Mill rejects the view that they correspond to Platonic forms, and is often thought to have accepted the view that they correspond to (are validated by) the same reality which validates scientific statements. He is then accused of committing a naturalistic fallacy in attempting to derive the truth of 'Happiness is alone desirable' as an entailment of the truth of 'Happiness is alone desired'.

There is another possibility. There is in Mill, and specifically in *Utilitarianism*, a partially acknowledged consensus theory of truth in which consensus (about such propositions as 'Happiness alone is desirable') in a communication situation free of domination would itself constitute a standard of truth. In Habermas' language, there is a suggestion that Mill believes normative validity claims to be discursively redeemable and that their successful discursive redemption is the standard or criterion of truth.

There is one way, and a plausible way, of reading Mill's statement that though the principle of utility is not capable of 'proof in the ordinary and popular meaning of the term' (p.207), nonetheless 'the subject is within the cognisance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold assent to the doctrine; and this is equivalent to proof' (p.208). 'The intellect' here is the intellect of the 'thoughtful reader' (-.239) to whom *Utilitarianism* is addressed. The giving of assent by readers to the author is 'equivalent to proof' provided that the author does not mislead or seduce by rhetorical devices; and the reader is not blinded by prejudices; and that the readers agree among themselves.

If such a rational consensus could be got, on what grounds could it be said that for the principle of utility 'the equivalent of proof' had not been offered? If it was said that there can be consensus in error as well as truth, this does not distinguish the case from that of natural science, where the consensus of astronomers, even in a communication situation free of domination, does not prevent them from being wrong. Nor does the general possibility of error, without which claims to knowledge would not be claims to knowledge, justify a general or particular

scepticism. Coming into a community of persons among whom a rational consensus on some principle prevailed, it would be *irrational* for the new individual to reject the authoritativeness of that consensus unless he or she could advance some evidence or argument against the principle or could show that the consensus was a constrained, not a free one. Otherwise, the consensus is *in itself* authoritative, questions of correspondence are irrelevant, and it would be irrational not to accept the consensus as authoritative. Where in the case of science, it is reality which is the source of a continuity which permits later scientific theories to be seen as revisions and corrections of earlier ones, in the case of knowledge of ends it is the continuity of the community itself which allows the pursuit of such knowledge to be a rational and potentially cumulative enterprise. A community is linked to its past judgments by memory, and to the future consequences of its present judgments by hope, a hope which can be dashed if the consensual judgment was a false one [51].

However, though in *Utilitarianism* Mill reaches out to a wider community than that of the Few [52], believing (like Austin before him) that the very first principle of morals and legislation is one which citizens can come to know philosophically, and not just accept on authority, nonetheless the distinction in *Utilitarianism* between higher and lower pleasures seals the division between the sphere of equality and the sphere of inequality within which citizens of a unitarian polity should consent to operate. *Utilitarianism* underpins the claim that the Many should allow themselves to be guided by the 'counsels and influence of a more highly gifted and instructed One or Few' [53].

#### IV The Passing of Utilitarianism

In conclusion, I should like very briefly to consider the fate of the Utilitarian theories of liberty and authority which I have sketched out in this article. They are theories likely to have some attraction for contemporary advocates of Political Education programmes, despite the general prejudice that 'Anyone who still discusses the admissibility of truth in practical [value] questions is, at best, old-fashioned' [54]. But in terms of the historical development of British political organisation, the Utilitarians failed. Alternatives to rational conviction on authority were found in the party organisations, the popular press, and the continuation of a deference politics based on a projected image of a distant monarch, aristocracy and plutocracy, rather than on any personal contact with them.

Among nineteenth century political writers it was Bagehot in *The English Constitution* (written in response to Mill's *Representative Government*) and especially in the preface to the second edition of 1872 [55], who emphasised the affective rather than cognitive, irrational rather than rational, elements of political life and their compatibility with political order.

The success in practice of an alternative to the utilitarian vision of a rational society is marked by the abandonment of the epistemological study of the marks of science and charlatanism in favour of a psychology of crowds. The Enlightenment notion of educating the lower orders out of their credulousness as an essential moment of social progress gives way to the use of their credulity for reasons of state. Equally, as liberty of thought and expression loses its structural, political functions, tolerance becomes no more than everyone's entitlement to their own opinion [56], an entitlement consecrated by twentieth-century positivism, a way of thinking with which John Stuart Mill has very little in common.

## Footnotes

- 1 This article is loosely based on Chapter 3 of my unpublished M.Phil. thesis, *How is Political Knowledge Possible?* (University of Sussex, 1978). Roy Edgley has been a constant source of critical encouragement; I have also made use of written comments on the draft of this article furnished by Stefan Collini, Ben Gibbs, William Outwaite, Hellmut Pappé and Carole Pateman.
- 2 [J.S. Mill], 'The Spirit of the Age', *The Examiner*, number 2, 23 January 1831.
- 3 G.C. Lewis, *An Essay on the Influence of Authority in Matters of Opinion*, London, J. Parker, 1849.
- 4 R.B. Friedman, 'An Introduction to Mill's Theory of Authority', in J. Schneewind, ed., *Mill*, London, Macmillan, 1969, pp.379-425.
- 5 For an overview, see H.O. Pappé, 'The English Utilitarians and Athenian Democracy', in R. Bolgar (ed.), *Classical Influences on Western Thought A.D. 1650-1870* (Cambridge University Press, 1978), pp.295-307. Also valuable is F. Sparshott, 'Introduction', in J.S. Mill, *Essays on Philosophy and the Classics*, Ed. J.M. Robson, Toronto, University of Toronto Press, 1978), pp.vii-lxxv.
- 6 [James Mill], 'The Ballot', *Westminster Review*, vol.XIII [1830], pp.1-39.
- 7 [James Mill], 'Government' [1820], in *Essays on Government, Jurisprudence, Liberty of the Press, and Law of Nations*, London, J. Innes, 1825; New York, A.M. Kelley [reprint edition], 1967, pp.31-32.
- 8 For a recent discussion, see E. Wood and N. Wood, *Class Ideology and Ancient Political Theory* (Oxford, Basil Blackwell, 1978). J.S. Mill contrasts the two situations in his 1846 review of Grote's *History of Greece*. Thus, 'the sense of obligation in the Homeric period is exclusively of a personal kind', whereas 'in the conceptions of the citizens of historical Athens [quoting Grote now] "the great impersonal authority called the Laws stood out separately both as guide and sanction, distinct from religious duty or private sympathies".' Quoted from J.S. Mill, 'Grote's History of Greece [I]', in Mill, *Essays on Philosophy and the Classics*, p.297.
- 9 This term (and its twin, *dialogic*) is suggested for the work of J. Habermas, but I do not aim at fidelity to his use of it, for which see J. Habermas, *Knowledge and Human Interests* (London, Heinemann, 1972).
- 10 J. Locke, *An Essay Concerning Human Understanding* [1960], ed. J.W. Yolton, two vols., (London, Dent, 1961); J. Locke, *Of the Conduct of the Understanding* [1706], ed. F.W. Garforth (New York, Teachers College Press, 1966).
- 11 See the encomium in [James Mill], review of 'Essays on the Formation and Publication of Opinions' [by S. Bailey], *Westminster Review*, vol.VI [1826], pp.1-23.
- 12 Compare J. Habermas, *Strukturwandel der Öffentlichkeit* (Neuwied: Luchterhand, 1962; French translation, *L'Espace public*, Paris, Payot, 1978); J. Habermas, *Legitimation Crisis* (London, Heinemann, 1976)
- 13 For relevant discussion, see R.J. Bernstein, 'Hannah Arendt: Opinion and Judgement', unpublished paper for the American Political Science Association Annual Meeting, 1976; J. Habermas, 'Hannah Arendt's Communications Concept of Power', *Social Research*, vol.44 (1977), pp.3-24.
- 14 On Peirce, see, for instance, J.E. Smith, 'Community and Reality', in R.J. Bernstein (ed.), *Perspectives on Peirce* (New Haven, Yale University Press, 1965), pp.92-119. Very relevant to the present article is J. Royce, *The Problem of Christianity*, vol.2 (New York: Archon Books reprint edition, 1967).
- 15 J. Austin, *The Province of Jurisprudence Determined* [1832], ed. H.L.A. Hart (London, Weidenfeld and Nicolson, 1954), p.60.
- 16 Mill, *Spirit of the Age*, p.51.
- 17 *Ibid.*, p.52.
- 18 Locke, *Conduct of the Understanding*, p.116.
- 19 Austin, *Province of Jurisprudence*, p.63.
- 20 Cornwell, Lewis and J.S. Mill attended the lectures on which the book is based. See R. Friedman, *op.cit.*, p.419 and pp.422-23.
- 21 See R. Darnton, *Mesmerism and the End of the Enlightenment in France* (Cambridge, Mass., Harvard University Press, 1968), esp. pp.189-92.
- 22 The co-text for Lewis's discussion of this question is Condorcet, *Essai sur l'application de l'analyse à la probabilité des décisions rendues à la pluralité des voix* (Paris, L'Imprimerie Royale, 1785), mediated to Lewis through the popular work of Laplace, *Essai philosophique sur les probabilités* (many editions from 1814). See Lewis, *Influence of Authority in Matters of Opinion*, p.216. I discuss Condorcet's argument in Chapter 2 of Pateman, *How is Political Knowledge Possible?* See also K. Baker, *Condorcet: from Natural Philosophy to Social Mathematics* (Chicago, University of Chicago Press, 1975); G. Granger, *La Mathématique sociale du Marquis de Condorcet* (Paris, Presses Universitaires de France, 1956); I. White, 'Condorcet: Politics and Reason', in S.C. Brown (ed.), *Philosophy of the Enlightenment* (Brighton, Harvester Press, 1979); and Section III of the present article.
- 23 J.S. Mill, *A System of Logic* [1843], two volumes, edited by J.M. Robson (Toronto, University of Toronto Press, 1974), p.869.
- 24 See, most obviously, J.S. Mill, *Considerations on Representative Government*, [1861], in J.S. Mill, *Essays on Politics and Society*, edited by J.M. Robson (Toronto, University of Toronto Press, 1977), pp.371-577. There is an excellent discussion of this work in D. Thompson, *John Stuart Mill and Representative Government* (Princeton, Princeton University Press, 1976).
- 25 J.S. Mill, *On Liberty* [1859], in Mill, *Essays on Politics and Society*, p.242.
- 26 Plato, *The Republic*, in *Collected Dialogues of Plato*, pp.575-844. Benjamin Gibbs says that my remark is 'fair comment', but draws attention to Plato, *The Republic*, pp.462b-464a.
- 27 J.S. Mill, *Utilitarianism* [1861], in J.S. Mill, *Essays on Ethics, Religion and Society*, edited by J.M. Robson (Toronto, University of Toronto Press, 1969), pp.205 and 206.
- 28 Austin, *Province of Jurisprudence*, p.74.
- 29 J.S. Mill, 'Sedgwick's Discourse' [1835], in J.S. Mill, *Essays on Ethics, Religion and Society*, pp.31-74.
- 30 It is not discussed in Book VI of *The System of Logic*, where you would expect to find it. As Roy Edgley pointed out to me, it is surprising that Mill does not discuss in Book VI, Chapter XII what he says he is going to discuss. He says at the beginning of the chapter that: 'The Method, therefore, of Ethics can be no other than that of Art, or Practice, in general: and the portion yet uncompleted, of the task which we proposed to ourselves in the concluding Book is to characterise the general Method of Art, as distinguished from Science' (p.943). A few pages on, however, he says that: 'The theory of the foundations of morality is a subject which it would be out of place, in a work like this, to discuss at large' (p.951), and that he will not attempt to justify his utilitarian position 'or even to define the kind of justification which it admits of' (p.951). Since the Method of Art is inseparable from the justification of ends, Mill's procedure is, to say the least, surprising. However, a footnote to the above passage added in the 1865 edition of the *System of Logic* says: 'For an express discussion and vindication of this principle [of utility], see the little volume entitled *Utilitarianism*' (p.951).
- 31 Quoted from J. Schneewind, editor, *Mill's Essays on Literature and Society* (New York, Collier Books, 1965), pp.370-71.
- 32 J.S. Mill, 'Grote's Plato' [1866], in Mill, *Essays on Philosophy and the Classics*, pp.375-440. G. Grote, *Plato and Other Companions of Sokrates*, three volumes (London, John Murray, 1865).
- 33 F. Sparshott, 'Introduction', in Mill, *Essays on Philosophy and the Classics*, p.xxxviii.
- 34 Mill, 'Grote's Plato', p.405. See also p.410.
- 35 Mill, *Utilitarianism*, p.208.
- 36 J.S. Mill, *Autobiography*, in *Essential Works of John Stuart Mill*, edited by M. Lerner (New York, Bantam Books, 1965), especially p.21f.; J.S. Mill, 'Grote's Aristotle' [1873], in Mill, *Essays on Philosophy and the Classics*, especially pp.505-510; Mill, *On Liberty*, especially pp.250-52.
- 37 As is clear in Mill, 'Grote's Plato', pp.412-13.
- 38 See Mill, *On Liberty*, p.232 and p.251. Also Mill, *Autobiography*, p.21; Mill, *Aristotle*, pp.509-10.
- 39 See T. Pateman, *Language, Truth and Politics*, second edition (Lewes, Jean Stroud, 1980), Chapter VI.
- 40 He says the same of science: 'truth, in everything but mathematics, is not a single but a double question; not what can be said for an opinion, but whether more can be said for it than against it. There is no knowledge, and no assurance of right belief, but with him who can both confute the opposite opinion, and successfully defend his own against confutation' (Mill, 'Grote's Plato', p.411).
- 41 For a fuller discussion, see Pateman, *How is Political Knowledge Possible?* Chapter 3.
- 42 Habermas, *Strukturwandel der Öffentlichkeit*, Ch. IV, section 15.
- 43 As is his attitude to the Athenian *demoi* and to the Sophists. See, for example, J.S. Mill, 'Grote's History of Greece [II]' [1853], in Mill, *Essays on Philosophy and the Classics*, pp.307-337, especially p.316 and p.329. I exclude all discussion of and reference to Mill's relation to de Tocqueville here, both for reasons of space and because of my main aim of indicating the 'Greek connexion' of Mill's political and epistemological thinking.
- 44 Compare the following: 'Socrates, in morals, is conceived by Mr Grote as the parallel of Bacon in physics. He exposed the loose, vague and misleading character of the common notions of mankind on the most familiar subjects.... It is the fashion of the present day to decry negative dialectics; as if making men conscious of their ignorance were not the first step - and an absolutely necessary one - towards inducing them to acquire knowledge.... The common notions of the present time on mental and moral matters are as incapable of supporting the Socratic cross-examination as those of his own age: they are, just as much, the wild fruits of undisciplined understanding' (Mill, 'Grote's History of Greece [II]', pp.309-10. This passage was added in the 1859 version.)
- 45 G. Grote, *Plato and Other Companions of Sokrates*, new edition (London, John Murray, 1888), Volume 1, p.395. The quotation is from the chapter in which Grote discusses dialectics
- 46 See Mill, 'Grote's History of Greece [II]', pp.318-20.
- 47 *Ibid.*, pp.320-21.
- 48 *Ibid.*, pp.333-36.
- 49 J.S. Mill, *Auguste Comte and Positivism*, in Mill, *Essays on Ethics, Religion and Society*, pp.313-14.
- 50 Mill, *On Liberty*, p.231. See also J.S. Mill, *Principles of Political Economy* [1848], Books III-V, edited by J.M. Robson (Toronto, University of Toronto Press, 1965), Book V, Chapter XI, especially section 8 (drawn to my attention by Hellmut Pappé); and, of course, the argument about higher and lower pleasures in Mill, *Utilitarianism*. Compare Royce, 'I cannot find or even define the truth in terms of my individual experience, without taking account of my relation to the community of those who know.' (Royce, *Problem of Christianity*, p.312).
- 51 These ideas are based on *Problem of Christianity*. In a talk to the University of Sussex Philosophy Society, October 1980, Max Black illustrated the claims of a wholehearted or critical rationalism by pointing out that the real continuity of the Supreme Court makes it possible genuinely to progress from the decision of 1950 to that of 1960, and so on. Compare R. Dworkin, *Taking Rights Seriously* (London, Duckworth, 1977).
- 52 *Utilitarianism* originally appeared as a series of articles in *Fraser's Magazine* for 1861.
- 53 Mill, *On Liberty*, p.269.
- 54 Habermas, *Legitimation Crisis*, p.123. The criticism has been aimed at Habermas, notably by Niklas Luhmann.
- 55 W. Bagehot, *The English Constitution* [1867; 1872], introduced by R.H.S. Crossman (London, Fontana/Collins, 1963).
- 56 T. Pateman, *Language, Truth and Politics*, Chapters I and VI.

