

Constructive Intolerance:  
A Critique of Laissez-Faire Liberalism

Ryan Steed

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Professor William Winstead

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John Stuart Mill's *On Liberty* lays the groundwork for classical liberalism, lauding the rational faculties and defying the suppression of individual opinion. Mill holds that open discourse is the best approximation of truth, that public debate leads to the ideal utilitarian outcome, and that freedom of expression is required to facilitate such a debate. But if individuals are not capable of rational discourse, Mill's derivation of freedom of expression is in jeopardy. I challenge two major premises of Mill's argument: the inherent rationality of societal discourse and the individual's ability to form independent opinions. I argue that not only are external patriarchal values internalized and rationalized before adulthood in the Freudian super-ego, but also that there are irrational, subconscious mental structures drawn from cultural tradition that influence the values and opinions of Mill's "rational" individual. In their most basic form, these structures are self-perpetuating institutional mechanisms that influence mental heuristics; in their most radical form, they distort of the prevailing reality principle and irrevocably violate Mill's core assumptions.

To alter the determinants of rationality, the phylogenetic structures of culture and rationality must be directly reconstructed and the prevailing institutions reformed; Mill's freedom of expression and tolerance of all opinions merely protect status quo institutions that compromise rational debate. I will first address the implications of Mill's theory and the crucial axioms of his argument. Next, I will lay out the psychoanalytic and sociological arguments infringing on Mill'sian liberalism. Finally, I will speculate on the best solution to the problem of subconscious influences using Mill's own ethical parameters and refute the practice of total freedom of opinion.

*On Liberty* and Pure Rationality

Though he believes human beings are naturally rational, Mill is highly sensitive to the threats on individual autonomy. He warns against the weight of collective opinion on the individual, stepping beyond basic Lockean rights of person and property to posit a more nuanced “Liberty of Thought.”<sup>1</sup> Mill does not assume the existence of any right. Instead, he “regard[s] utility as the ultimate appeal on all ethical questions... grounded on the permanent interests of man as a progressive being.”<sup>2</sup> Liberty of Thought, or mental freedom, is the logical conclusion of Mill’s beliefs about human nature – namely, that “there is on the whole a preponderance among mankind of rational opinions and rational conduct” which enables the individual to assume the truth of their opinion “for the purposes of action.”<sup>3</sup> For Mill, rationality implies that all opinions are subject to dispute, since none are infallible; without active dispute, the context and content of a given opinion is lost. For the collective, “truth depends on a balance to be struck between two sets of conflicting reasons.”<sup>4</sup> Given equal consideration, any opinion may rise to prominence through the agreement of many individuals’ informed judgment – as such, all opinions must be tolerated for truth to prevail. Under the conditions of pure, unadulterated, independent rationality and Liberty of Thought, fair and balanced discourse leans towards utilitarian truth.

Mill does not ignore the threats to independent rationality. In fact, he directly addresses “hereditary creeds,” those dead dogmas passively accepted by new generations:<sup>5</sup>

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<sup>1</sup> John Stuart Mill, *On Liberty* and *The Subjection of Women* (London: Penguin Books, 2006), 21.

<sup>2</sup> *Ibid.*, 17.

<sup>3</sup> *Ibid.*, 26.

<sup>4</sup> *Ibid.*, 43.

<sup>5</sup> *Ibid.*, 48.

... the creed remains as it were outside the mind, incrusting and petrifying it against all other influences addressed to the higher parts of our nature... doing nothing for the mind or heart, except standing sentinel over them to keep them vacant...

Yet Mill neglects the possibility of active dogmas: systems of beliefs *inside* the mind, diverting the flow of thoughts, subconsciously diverting the flow of thoughts towards a particular, acceptable sublimation. If creeds are internalized, the set of all possible individual opinions shrinks dramatically. Limited by bias, the aggregation of opinions may be shifted not towards truth, but towards a publicly accepted set of values that is harmful to “man as a progressive being.” The following section elucidates the subconscious institutional effects that shift societal values away from utilitarian truth.

#### The Cultural Super-ego and Displaced Principles of Existence

Sigmund Freud’s *Civilization and Its Discontents* leverages the elements of psychoanalytic theory to explain how individual rationality and preference are altered under the condition of civilization. To discover how it may be compromised, I ask: how is rationality formed? Freud’s ego is most similar to Mill’s treatment of reason; the ego rises out of the mass of indiscriminate subject-sensations (the pleasure principle) in infantile life to mentally delineate pleasure and displeasure, internal and external. “This differentiation, of course, serves the practical purpose of enabling one to defend oneself against sensations of unpleasure which one actually feels or with which one is threatened.”<sup>6</sup> The ego conciliates the desires of the id by establishing a reality principle, the division between pleasures which can be achieved by interaction with the external and those which cannot.<sup>7</sup> Further, if the ego is the agent of Mill’s

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<sup>6</sup> Sigmund Freud, *Civilization and Its Discontents*, ed. James Strachey (New York: W. W. Norton & Co., 1961), 29.

<sup>7</sup> *Ibid.*

rational thought – acting upon preferences in accordance with what can and cannot be realistically achieved based on the facts available – then the super-ego is the internal manifestation of external influences on the individual that Mill fails to acknowledge. The super-ego checks the ego to preserve social relations from the desire for aggression:<sup>8</sup>

[Man]’s aggressiveness if introjected, internalized... There it is taken over by a portion of the ego, which sets itself over against the rest of the ego as super-ego... Civilization, therefore, obtains mastery over the individual’s dangerous desire for aggression by weakening and disarming it and by setting up an agency within him to watch over it...

The super-ego, the conscience, enforces the principles of internalized authority by guilt and remorse; individual development is not a purely egoistic process, but a mediation between the ego and community values. Thus the “rational” evaluations of the adult are influenced by factors exogenous to that individual’s preferences. The stored values of the super-ego are conferred onto a society’s collective opinion, effectively perpetuating historical morality. Freud analogizes the individual’s super-ego with a “cultural super-ego,” the amalgamation of the phylogenetic impressions of forceful historical personalities on morals and ethics.<sup>9</sup> Since every individual is subject to the ethical demands of the cultural super-ego, and only a few endowed individuals have the ability to alter it, the natural balance of Mill’s public discourse is destroyed. The population is yoked to immovable standards – the movement of public discourse is directed by the few who hold the reins of morality, and collective opinion is saddled with a strong bias towards tradition.

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<sup>8</sup> Ibid., 114.

<sup>9</sup> Ibid., 143-144.

Freud's analogy is somewhat ambiguous, but Louis Althusser offers a simpler sociological mechanism by which values are imposed on the individual. Althusser approaches the problem of external influence on individual opinion from a Marxian perspective – his “Ideological State Apparatuses” (ISAs) are the superstructures that ensure the reproduction of alienated labor, separating man from his species-being.<sup>10</sup> Supposing that “ideology represents individuals' imaginary relation to their real conditions of existence,” the manipulation of popular ideology results in the manipulation of the individual's relation to the external world: the reality principle.<sup>11</sup> How does this manipulation occur? Althusser contends that “an ideology always exists in an apparatus and in the practice or practices of that apparatus.”<sup>12</sup> Concrete, mutable sociological structures have a direct effect on individual opinion. From the family ISA to the educational and religious ISAs to the ISA representing Millsian liberalism in American society, “each subject... lives in and under several ideologies at once. Their subjugation efforts are ‘combined’ in each subject's own acts, which are inscribed in practices, regulated by rituals, and so on.”<sup>13</sup> Mill holds that “wrong opinions and practices gradually yield to fact and argument,” but fact itself is processed by the complex mixture of ideologies positioned over an individual. When ISAs and the effects of Freud's cultural super-ego are combined, the individual stands little chance at preserving an independent opinion.

The reality principle may also be altered in more radical, less predictable ways. In *Simulacra and Simulation*, Jean Baudrillard proposes the existence of simulations, self-propagating distortions of reality that have the ability to eventually depart from their real origin

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<sup>10</sup> Louis Althusser, *On The Reproduction of Capitalism: Ideology and Ideological State Apparatuses* (London: Verso, 2014), 140.

<sup>11</sup> *Ibid.*, 181.

<sup>12</sup> *Ibid.*, 184.

<sup>13</sup> *Ibid.*, 199.

entirely. Baudrillard describes the creation of a map to describe a distant territory; the map decays and is later recreated, restored so many times that the map takes on a new reality separate from the landscape which it represents. “Simulation is no longer that of a territory, a referential being, or a substance. It is the generation of models of a real without origin or reality: a hyperreal.”<sup>14</sup> In many ways, Baudrillard’s simulations are an extension of Althusser’s ISAs:<sup>15</sup>

[Simulation] is presented as imaginary in order to make us believe that the rest is real... It is no longer a question of a false representation of reality (ideology), but of concealing the fact that the real is no longer real, and thus of saving the reality principle.

This disguised hyper-reality – the procession of simulacra – is, in psychoanalytic terms, the process by which the reality principle subtly shifts for an entire civilization. Each time the map is redrawn, its original features are distorted or forgotten, the subjective imagination of the current author filling in the gaps. Freud’s powerful personalities are the authors; Althusser’s ISAs are the maps, guiding the collective opinion towards the prevailing ideologies and moralities. Worse, from a phylogenetic perspective, the cultural superstructures that succeed best at interpellating subjects and instilling internalized values are the most likely to be transferred to the next generation. There is a distinct evolutionary effect leading to more oppressive institutions and to more external influences inundating the individual. These new, evolved superstructures are not utilitarian; they do not further improve “man as a progressive being” so much as they better entrap humanity as an ideological subject, the alienated laborer who produces *ad infinitum* not only goods and services, but also ideology and opinion.

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<sup>14</sup> Jean Baudrillard, *Simulacra and Simulation* (Ann Arbor: University of Michigan Press, 1994), 1.

<sup>15</sup> *Ibid.*, 12-13.

A prime example of the Darwinian fitness of cultural superstructures lies in the entertainment industry. Adorno and Horkheimer describe a mass culture industry run amok:<sup>16</sup>

The stronger the positions of the culture industry become, the more summarily it can deal with consumers' needs, producing them, controlling them, disciplining them, and even withdrawing amusements: no limits are set to cultural progress of this kind.

Capitalist consumption, combined with liberalism, perpetually reproduces a culture of sameness in which the very industry that produces art, music, and movies dictates the wants and needs of those for whom it produces. For Adorno and Horkheimer, it is the end of individuality; "personality scarcely signifies anything more than shining white teeth and freedom from body odor and emotions."<sup>17</sup> Though the culture industry targets the pleasure principle instead of the reality principle, it demonstrates the same structural evolution – over time, the industries which serve culture to the masses perfect the circular inculcation and fulfillment of desire until the set of values practiced by the collective exist in the narrow corridor of maximized industry. Debates over the minutiae of these values are purely aesthetic, tiny oscillations within a vast space of unfulfilled potentials; the world settles into predetermined corridors of category and quantification.<sup>18</sup>

#### A Utilitarian Revision of Millian Tolerance

How might Mill preserve the utilitarian outcome of his project and prevent the invasion of the individual by society, in light of these other weapons of mental subjugation? Crucially, ISAs and simulations operate in and through individuals themselves. As Lichtman points out,

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<sup>16</sup> Max Horkheimer and Theodor W. Adorno, "The Culture Industry: Enlightenment as Mass Deception," in *Dialectic of Enlightenment: Philosophical Fragments*, ed. Gunzelin Schmid Noerr (Stanford: Stanford University Press, 2002), 1.

<sup>17</sup> *Ibid.*, 24.

<sup>18</sup> *Ibid.*, 2.



Mill defends an individual's right to action only so long as it does not interfere with another's well-being, but if an individual is the proxy of a multitude of external influences and those influences are determined to be against life, it must be well within the state's mandate to interfere with the structure and composition of the cultural super-ego, ISAs, and the culture industry where they are accessible.<sup>19</sup> Cohen-Almagor adds that democracy, or government in general, is required to enforce "protective mechanisms against harm-facilitating speech."<sup>20</sup> While Mill does not recognize the great danger to truth posed by the cultural superstructures, he does recognize the role of government in correcting or limiting individual freedom in the name of collective utility. In the light of the danger to individual autonomy and the constraints on individual mental faculties, I hold that the limits on government interference must be relaxed to allow considered institutional examination and alteration – specifically, Mill's mandate for universal tolerance and freedom of expression must be lifted to allow institutional change to take place.

A similar solution to the compromised rationality of the West lies in the work of Herbert Marcuse, who recognizes the unchecked progression of Western culture:<sup>21</sup>

... history has progressed 'behind the back' and over the individuals, and the laws of the historical process have been those governing the reified institutions rather than the individuals.

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<sup>19</sup> Richard Lichtman, "The Social Context of Mill's Theory of Freedom," *Journal of Socialist Theory* 38, no. 2 (2010): 189.

<sup>20</sup> Raphael Cohen-Almagor, "J.S. Mill's Boundaries of Freedom of Expression: A Critique," *Philosophy* 92, no. 4 (2017): 565.

<sup>21</sup> Herbert Marcuse, *Eros and Civilization* (Boston: Beacon Press, 1955), 106.

There are “historical limitations of [Western philosophy’s] system of reason” rooted in the reality principle and its progression.<sup>22</sup> In “Repressive Tolerance,” Marcuse directly criticizes liberal tolerance as a proxy for the status quo:<sup>23</sup>

Tolerance is turned from an active into a passive state, from practice to non-practice: laissez-faire the constituted authorities. It is the people who tolerate the government, which in turn tolerates opposition within the framework determined by the constituted authorities.

The constituted authorities – the products of cultural superstructures, state-sponsored and otherwise – benefits most from tolerance because “the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed and suppressed.”<sup>24</sup> Pure tolerance requires tolerance of existing institutions and their proponents, which implies tolerance of the current reality principle and thereby precludes any shift to a more utilitarian equilibrium. Thus, Marcuse’s fundamental critique of Mill is of his reliance on the compromise of existing ideologies to solve perpetual problems:<sup>25</sup>

And the problem of making possible such a harmony between every individual liberty and the other is not that of finding a compromise between competitors... but of *creating* the society in which man is no longer enslaved by institutions which vitiate self-determination from the beginning.

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<sup>22</sup> Ibid., 124.

<sup>23</sup> Herbert Marcuse, “Repressive Tolerance,” in *A Critique of Pure Tolerance* (Boston: Beacon press, 1969), 95-137.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

How might the creation of this new society (and the abolition of cultural superstructures) come about? Given the array of media, state apparatuses, and simulacra which impose themselves on debate and discourse, the path to creating this society is not through purely free expression. Marcuse leans heavily on the necessity of educational reform, but acknowledges that “where society has entered the phase of total administration and indoctrination” the number of rational beings free from influence is small.<sup>26</sup> Like Mill, Marcuse agrees to sometimes restrict the right to expression, but on a much larger scale: when society is in extreme danger of ideological regression (e.g. just before the rise of fascism). He suggests “discriminating tolerance,” which withholds tolerance of opinion from the Right (specifically because of its “aggressive” and “destructive” character) and treats the Left with leniency (because it does not have the capital resources to leverage ideological apparatuses in its favor). Whether or not Marcuse’s particular form of discrimination is the maximum utility solution to repressive tolerance, it is clear that no truly free society may be from dictatorship while cultural superstructures exist. There must be an individual or group independent of the collective to shift the institutions of reality and pleasure in favor of human progress. For Marcuse, the answer to the problem of educational dictatorship is the reclamation of the determinants of public opinion from “its makers in the closed society.” Yet Marcuse fails to mention who may reclaim public opinion, and who is to determine the conditions of its liberation – so I hold that in all cases, an element of dictatorship is necessary to enact utilitarian reform.

Regardless of the manner of reformation, its necessity is indisputable. Mill seeks autonomy for the progressive individual, but places too much faith in the rational competency of society. Laissez-faire liberalism is impotent in the face of the psychoanalytic elements of human

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<sup>26</sup> Ibid.

calculus and the selection effects on the institutions of late capitalism, which conflate rationality at the level of the super-ego, the reality principle, and even the pleasure principle. To achieve the utilitarian benefit Mill seeks, individuals must be liberated not only from the pressures of public opinion but also the historical formations that haunt Western morals and ethics.

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