

Mill's early theory of free speech

A close reading of Mill's rather neglected early essay "Law of libel and liberty of the press" (1825) sheds light on certain free speech issues, such as its legitimate restrictions, which Mill decided not to discuss in detail in the famous second chapter of *On Liberty* (1859). We argue that here Mill puts forward a sketch of a comprehensive free speech theory that draws heavily on the work of Bentham and James Mill. The prevailing partisan interpretation of the law of libel by judges and lawyers serves him as a platform for launching an almost absolute defence of freedom of the press and discussion which is undergirded by two basic assumptions: (a) that the political authorities have a permanent motive to suppress criticism and this is a source of misgovernment and misery for the many, and (b) that truth can be promoted only by uninhibited public discussion and the consideration of all views no matter how mistaken or misleading they appear. However, when Mill wrote again on the same subject in *On Liberty*, he abandoned the political defence of free speech in favour of the epistemic one. This does not necessarily damage the consistency of his thought regarding freedom of speech, but it calls for an explanation. We conclude by offering some suggestions concerning the reasons of this development.

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