

process.” Mill aimed to replace the fruitless historical oscillations between “two incomplete views of human nature,” rooted in Athens and Jerusalem, with a new harmony of “human creativity and moral restraint” (p. 182). In the process, he would gain a “posthumous existence” for himself as the philosopher whose views were “the harbinger of new values and higher forms of existence” (p. 197).

In stark contrast to Mill, Nietzsche thought he would be “born posthumously” because he finally blasted the Western synthesis of the good and the right asunder and thus prevented the End of History, or the Last Man’s triumph. From Nietzsche’s point of view then, Mill had shirked his responsibility as a philosopher to see to it that History not be allowed to end, which is to say his obligation to ensure that human cruelty and therefore suffering will continue, these being prerequisites of humanity’s fullest flowering. Indeed, it was Mill’s abhorrence of the cruelty associated with the “ancient teleological views that extract norms from some conception of a species’ highest point of developmental possibilities” (p. 74) that prevented him from ever making room in his thought for a summum bonum or “best way of life” (p. 163). Mill cannot advocate “the rule of perfected individuals who might enforce new ideas of the good” (p. 180). However, such an advocacy had ceased to be a problem for Nietzsche. So while Mill kicked the End of History down the road a century or two, Nietzsche punted it into “Forever” with his “Eternal Return of the Same.” This difference might be explained by the fact that Mill had the “rare fate” of never at any point in his life having believed in God (p. 141). Nietzsche’s self-explanation that he was an atheist “from instinct” (*Ecce Homo* II, i) is something quite different.

In explaining Mill’s project, Devigne inevitably has to focus on Mill’s “highest intellectuals,” those Mill thought “should be the guides of the rest.” Unfortunately, this class sees “too many sides to every question (and) hear(s) so much that can be said about everything, that they feel no assurance of the truth of anything” and hence are unable to act (p. 196). Thus, Mill turned his attention to the task of “laying the philosophical foundation for unity among the intellectuals of the future” (p. 197). Devigne’s discussion here reminds us that Nietzsche’s reaction to the modern intellectual’s ever-increasing “dwelling upon difference and celebrating ambiguity” (p. 185) was to transform Mill’s “superior and guiding minds” into his *Übermenschen*, who would be so strong that “attempts to blend . . . values from other civilizations with modern culture” would have no power to weaken them (p. 207). However, Nietzsche’s “aristocratic radicalism” has been overshadowed by his postmodern solipsism in recent times, even as Mill’s modified Platonism, romantic expressivism, and reformed religious consciousness have been submerged by the modern liberal focus on him as “a theorist who focuses exclusively on liberty of action” (p. 227).

Thus it is that the intellectuals, from whom Mill expected so much, and who since his time have turned “from the soul to the body,” have in the end conferred on the father himself a “one sided reading” that obfuscates his many arguments that “transcend liberal concerns about protecting the individual from state and social domination” (p. 207).

When we look around ourselves today and note the lack of any “united authority of the instructed” over our society (p. 194), we cannot but conclude that Mill’s Herculean effort to save liberal democracy from itself was strategically defective in some key respects. Indeed, it might be fair to say that some of Mill’s contemporaries ([Carlyle, Comte, Tocqueville], p. 180) who were tending to more “Nietzschean” or “leadership-hierarchical” solutions, have proven themselves to be better tea-leaf readers than Mill (p. 161). Historically speaking, then, the Mill of a new Platonic-Coleridgean *Bildung* for English-speaking civilization (p. 93) did not have as much purchase on our culture as did the “Harm Principle–Greatest Happiness” Mill. However, this fate simply makes Devigne’s “truly comprehensive assessment” and reopening of “the debate regarding the genesis and development of John Stuart Mill’s political and moral thought” all the more significant (pp. 1–2). If it were true that the cure for the misinterpretation of any particular philosopher is more of that particular philosopher, then those interested in an accurate account of Mill’s contributions to the development of modern thought can now turn to Devigne’s fine study as an indispensable guide. His book performs the honorable duty of correcting Mill’s epitaph to properly read: *Here Lies John Stuart Mill: “Liberal” (but with an Explanation)*.

**Saving Persuasion: A Defense of Rhetoric and Judgment.** By Bryan Garsten. Cambridge, MA: Harvard University Press, 2006. 290p. \$45.00.  
DOI: 10.1017/S1537592707070181

— Daniel Kapust, *The University of Georgia*

Bryan Garsten’s *Saving Persuasion* is an engaging and original work of wide appeal. Garsten analyzes the formation of an antirhetorical tradition in modern political thought, investigates its rival classical tradition of rhetoric and judgment, and explores the promise that a politics of persuasion offers contemporary democratic societies.

Garsten argues that social contract theory and much liberal thought is antirhetorical in nature. Hobbes, Rousseau, and Kant all distrusted rhetoric and sought to render citizens immune to it. Hobbes’s distrust of private judgment is well known (without an arbitrator, two debating parties will come to blows). Whereas Aristotle and Cicero emphasized the fallibility of individual judgments, Hobbes emphasized the pernicious effects of Puritan understandings of conscience that, when combined with Ciceronian

oratory, threatened peace. This distrust of rhetoric is the foundation for Hobbes's reliance on the "alienation of judgment" (p. 27). Hobbes's citizens consent *not* to judge, immunizing them to the dangers of speech.

Despite Rousseau's praise of eloquence, Garsten argues that he continues Hobbes's project. Whereas Hobbes alienated sovereignty, Rousseau's sovereign is nonalienating, and his goal is to unify public with private judgment. Rousseau's ideal of moral autonomy provides "immunity to controversial rhetoric" (p. 57). This is evident in the inward looking deliberations of citizens seeking the general will, and in Rousseau's desire to substitute a public and unified judgment for private and partial judgments. Rousseau conceives a nonrational language of persuasion, seen especially in his *Essay on the Origin of Languages*. This nonrational language and its "appeals to communal identity," though necessary, can give rise to dangerous fanaticism even as it seeks to displace "dogmatic religious speech" (pp. 71, 83).

Just as Rousseau and Hobbes suppressed persuasion, Kant viewed the authoritative settling of disputes via public reason as central to sovereignty. Kant sought "to provide an authoritative criterion based outside . . . opinions," hence challenging the classical rhetorical tradition (p. 86). Kantian freedom requires that we obey laws we give ourselves through our free judgment. Because rhetoric threatens free judgment, it is a threat to the "authority of the critique of reason" (p. 91). Kant's anti-Ciceronian project parallels his opposition to the Scottish-influenced German popular philosophers of his time.

Aristotle and Cicero provide the classical case for rhetoric and judgment. Aristotle yields a defense of rhetoric and a more modest rhetoric than that championed by sophists. Garsten isolates two concepts in Aristotle's rhetorical theory: situated judgment and deliberative partiality. Citizens, for Aristotle, judge best when situated in their perspectives and opinions, and citizens' partiality (for instance, in assemblies) help make them more deliberative. Garsten finds in Cicero's writings a persuasive politics rooted in Cicero's desire to protect the "practice of persuasion" (p. 143). Garsten's reading of Cicero is interesting, given his innovative attempt to resolve a central difficulty in interpreting Cicero: the relationship between his Stoicism and skepticism. Cicero's deepest commitment is maintaining the institutions that make persuasion possible against outstanding individuals (such as Julius Caesar) who threaten them. At the same time, Cicero's emphasis on *otium* and preserving convictions helped render oratory more deliberative.

Garsten concludes by arguing that engaging citizens' judgments by rhetoric is beneficial and that constitutional government helps deal with demagoguery. Persuasive politics may ameliorate the resentment and frustration arising from what Garsten terms "liberal alienation"

(p. 184). Indeed, citizens' disengagement from universalistic rhetoric leads them to develop opinions less susceptible to deliberation than those they were meant to replace. Moreover, deliberative democrats, like classical contract theorists, are suspicious of ordinary judgments and look to unanimity as an ideal, thus ruling out much persuasive speech. Deliberation does not require unitary standards of reasonableness, but rather partiality, passion, privacy, and respect. Avoiding nostalgia, Garsten emphasizes the potential dangers of persuasion and suggests Madison's notions of representation and constitutionalism foster persuasion while avoiding the dangers of demagogy.

Garsten has written a valuable and persuasive work, but I wish to raise two minor criticisms. With regard to Cicero, Garsten links his skepticism and Stoicism through his identification with oratory, as the practice of rhetoric requires institutions and mores that Stoicism provides. This reading opposes M. I. Finley's, who suggests that Cicero's political convictions are little more than masked ideology (M. I. Finley, *Politics in the Ancient World*, 1983, p. 128). I am not entirely convinced Garsten displaces Finley's reading given Cicero's attitude to the Gracchi and the redistribution of land. In *De Officiis*, Cicero associates this policy with those who threaten the practice of oratory; yet one might reply that providing citizens with land helped maintain the free way of life Cicero praises in *De Officiis* (I.151–152), itself essential to a politics of persuasion. Neal Wood has documented Cicero's defense of private property (Neal Wood, *Cicero's Social and Political Thought*, 1988); this defense, and concomitant hostility to the Gracchi and *populares*, may seek to depoliticize property disputes just as some liberals remove certain issues from debate through argumentative constraints.

The Gracchi often feature in Cicero's writings and, with the notable exception of the *De Lege Agraria*, rarely in a positive light. In this speech, given to a popular assembly, he praises the Gracchi's wisdom and aims and claims himself to be *popularis*. This speech seems inconsistent with Cicero's broader aims and stances and may indicate "a skewed communication-situation" (Robert Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic*, 2004, p. 200). What distinguishes Cicero's practice in this instance from demagogy? He claims to be a *popularis*, praises the Gracchi, and even suggests that he favors agrarian laws, all of which were inconsistent with his normal stances. In my mind, Garsten's defense of rhetoric would be more persuasive with a fuller account of demagogy, why it is (as Hobbes thought) dangerous, and what makes for dangerous rhetoric in general.

Despite these minor points, Garsten's *Saving Persuasion* is an original and interesting work that is sure to be of importance, and it should appeal to political theorists with many interests.