

LIBERALISMS

Essays in Political Philosophy

JOHN GRAY

Liberalisms: Essays in Political Philosophy

John Gray



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Preface and acknowledgements

This collection, which begins and ends with a paper on J.S. Mill, contains a dozen essays, written over as many years, together with a new postscript written specially for this volume. The essays collected here were neither written nor selected haphazardly. They embody a single project, pursued continuously over the period in which they were written — the project of defining liberalism and giving it a foundation. The enterprise ended in failure. The upshot of the arguments developed in these essays is that the political morality that is constitutive of liberalism cannot be given any statement that is determinate or coherent and it has no claim on reason. The various projects of grounding liberalism (conceived as a set of universal principles) in a comprehensive moral theory — rights-based, utilitarian, contractarian or whatever — are examined in turn and found wanting. Recurrently in these essays, I conclude that a particular path of justification of liberalism is a dead end and a liberal ideology an impossibility — only to take up later another, and apparently more promising, justificatory strategy. When in the twelfth and last essay I conclude that no set of arguments is available which might ground liberalism and privilege liberal society over its rivals, this only voices definitively a suspicion that was with me from the first.

The aim of the postscript is to give in summary form a statement of the reasons for the indefensibility of liberalism as an ideology or general doctrine and to sketch the outlines of a post-liberal perspective on government and society. In the postscript, I seek to show that the failure of liberal ideology is not to be lamented, since liberal political philosophy expresses a conception of the task and limits of theorizing that is hubristic and defective. The ruin of liberal political philosophy is only the most spectacular instance of the *débâcle* of the received tradition, modern as much as classical, of philosophy as a discipline. In retrospect, then, the programme of these essays is to clear away the rubble, piece by piece, of the grand liberal theories, so as to open up a perspective in the political tradition we have inherited (and of which liberalism itself was a drastic abridgement). Indeed, if the later essays collected here had any practical

goal, it was to protect the historical inheritance of liberal civil society from the rages of a fevered ideology which, throughout western society, and especially in America, threatens to squander that inheritance. It would be a hopeful augury if the current decomposition of liberal conventional wisdom — which this collection aims to bring to a conclusion — were to return us to a detailed investigation of the character and postulates of the forms of civil association that are most distinctive of our cultural tradition.

Conversations with a large number of theorists over the years have helped to crystalize the thoughts expressed in these essays. Among those to whom I would like to make a particular acknowledgement for stimulating and informing my thought on these questions are Isaiah Berlin, James Buchanan, David Gauthier, F.A. Hayek, Robert Nozick, Michael Oakeshott, Karl Popper and John Rawls. Conversations with Jeffrey Paul and Ernest van den Haag have entered into the thoughts developed in several of the later essays. The conception of the scope and limits of political thought intimated in the postscript owes much to conversations over several years with Charles King. I am indebted to Jeremy Shearmur for suggesting to me that a collection of my essays on liberalism might be worth publishing. It should go without saying (but I say it nevertheless) that none of the persons whose help I have mentioned shares responsibility with me for the thoughts and arguments developed in these essays.

With the exception of a light editing in the interests of conformity of style, I republish these essays in their original form. The essays appeared first in the following publications, to which I am indebted for granting me permission to reprint them: 'John Stuart Mill and the future of liberalism', *The Contemporary Review* 220 (1328) September, 1976; 'The liberalism of Karl Popper', *Government and Opposition* II (3) Summer, 1976; 'Social contract, community, and ideology', in P. Burnbaum, J. Lively and G. Parry (eds), *Democracy, Consensus and Social Contract* (Larden and Beverly Hills: Sage Publications, 1978); 'On negative and positive liberty', *Political Studies* XXVIII, 1980; 'Freedom, slavery and contentment' in D. Robertson and M. Freeman (eds), *Frontiers of Political Theory* (Brighton: Harvester Press, 1980); 'Hayek on liberty, rights and justice', *Ethics* 92 (1) October 1981; 'Spencer on the ethics of liberty', *History of Political Thought* III (3) Winter 1982; 'Indirect utility and fundamental rights', *Journal of Social Philosophy and Policy* I (2) Spring 1984; 'Liberalism and the choice of liberties', in T. Attig, D. Callan and John Gray (eds) *Restraint of Liberty*, Bowling Green Studies in Applied Philosophy, 1986; 'Contractarian method, private property and the market economy', in J.W. Chapman and J.R. Pennock (eds), *Nomos* 31, *Markets and Justice* (New York: New York University Press, 1988); 'Mill's and other liberalisms', *Critical Review* (New York) 2 (2) Summer 1988; 'Oakeshott on law, liberty and civil

association' was published in a shorter version in *The World and I* (Washington) September 1988.

In addition to the above acknowledgements, I wish to acknowledge the support of the Social Philosophy and Policy Center at Bowling Green State University. Preparation of this volume was undertaken by me during a period of residence there as Distinguished Research Fellow. I am greatly indebted to the directors and staff of the Center for the assistance they have given me in preparing this volume for publication.

John Gray

August, 1988

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J.S. Mill and the future of liberalism

If there is a consensus on the value of Mill's political writings, it is that we may turn to them for the sort of moral uplift that sustains the liberal hope, but we shall be disappointed if we expect to find in them much enlightenment about the urgent issues we face today. There are some, claiming access to new and greater truths, who do not hesitate to announce the obsolescence of that impassioned and reasonable liberalism which is the inspiration of all Mill's political writings. There are many others who will express their confidence that most of the causes for which Mill fought have now been safely won, and who accordingly deny to Mill's writing that contemporary relevance they undoubtedly possessed for their original readers. Most significantly, perhaps, there is a widespread impression in progressive circles that Mill's tentative and humane liberalism has little to say to the perplexed citizens of societies whose manifold crises demand bold and drastic measures. Whether the news is greeted with regret, complacency or acclamation, there are not many who doubt the accuracy of the report that Mill's liberalism is as dead as any tradition of political thought can be.¹

Obituaries of this kind may be premature, however, and their currency should be a matter of concern for all liberals. Mill's liberalism has a relevance which transcends the conditions of the age in which he wrote, and it meets needs which are enduring and widely felt. Mill's writings contain an argument for an open society which has not yet been decisively refuted, and of which every generation needs reminding: they are especially relevant to those sceptical of the claims of collectivist and totalitarian systems, who remain dissatisfied with any kind of purely defensive conservatism and seek a form of radicalism which is not afraid to contemplate the necessity of massive changes in current policies and institutions but which keeps a clear head about the dangers of all such large-scale social engineering. Those who are looking for an open-minded radicalism of this kind will find that Mill addresses himself to some of the most pressing problems that we face today. It is hard to believe that contemporary debate has not suffered through neglect of Mill's distinctive contribution to the liberal tradition.

Mill's argument in *On Liberty*

The vital centre of Mill's liberalism, as he expounds it in *On Liberty*, is not to be found in any of the consequential arguments he adduces there in support of liberal freedoms of thought, expression, and association, but rather in a conception of human nature and self-development. The central argument of *On Liberty* is the claim that a liberal society is the only kind of society in which men confident of their own manifold possibilities but critical of their own powers and of each other, men who aspire to the status of autonomous agents and who cherish their own individuality, will consent to live. His conception of man as a progressive being suggests to Mill the necessity of defining the sphere of legitimate social control in such a way as to promote the development of men as autonomous agents and he does this by proposing the famous *principle of liberty*. In fact this principle assumes various forms at different stages in Mill's argument, but its main force is contained in the injunction that the liberty of the individual should be restricted by society or by the state only if his actions are (or may be) injurious to the interests of others.

It is important that present-day readers of *On Liberty* take note of two points about Mill's principle of liberty. First, though Mill carefully stresses that it states a necessary and not a sufficient condition of justified limitation of liberty (since costs of enforcement may make it wrong to limit liberty even where the interests of others are clearly damaged by a given kind of action), Mill also insists that the principle of liberty is violated in modern societies whenever individuals enjoy a traditional freedom to act in ways injurious to others. The example of a traditional right unjustifiable by the principle of liberty which Mill cites most frequently is that of unrestricted procreation, which is injurious both to the interests of the offspring of irresponsible parents and to the interests of all who compete with them for scarce jobs and resources. Mill would have had no objection in liberal principle to proposals for the institution of 'child licences' (though he might well have had doubts about their practicability), and he would certainly have been sympathetic to those who advocate population control — including even coercive measures — as part of a freedom-preserving policy for an already overcrowded world.²

Second, it is a clear implication of Mill's principle that, in laying down a necessary condition of legitimate limitation of liberty, it disallows an indefinitely large range of interferences with personal freedom, and Mill is at pains to draw his readers' attention to two classes of intervention which his principle prohibits. These are: restrictions of liberty designed to prevent individuals from causing harm to themselves; and restrictions designed to bring an individual into conformity with the received moral ideas of his community.

Importantly, Mill goes much further than most contemporary liberals in ruling out such paternalist restrictions on liberty as are involved in legal prohibitions of the sale of 'hard' drugs. Equally, there can be little doubt that Mill would adopt an uncompromising libertarian stand on questions of censorship and pornography, and would reject all legislation on sexual behaviour which has a moralistic rather than a straightforwardly harm-preventing rationale. Nor can it be doubted, finally, that Mill would have extended his support to the campaigns of those, like Dr Thomas Szasz, who wish to see the practice of the confinement and involuntary treatment of those judged mentally disordered discontinued or at least subject to far more stringent legal controls.³ Whether or not contemporary liberals follow Mill in his intransigent opposition to State paternalism and legal moralism, they would be well-advised if they were to consider carefully his objections to such policies.⁴

Mill's radicalism

Though fashionable progressive opinion will find Mill's stand on the question of drug use and censorship congenial, it is worth noting that his no less sensible views on the proper organization of national education find little favour in such circles. Mill's view that 'an education established and controlled by the State should only exist, if it exist at all, as one among competing experiments, carried on for the purpose of example and stimulus, to keep the others up to a certain standard of excellence',⁵ despite the fact that it flows directly from his concern with the promotion of diversity and variety in all spheres of life, finds few echoes in contemporary political life outside the right wing of the Conservative Party and the far-left disciples of Ivan Illich, though for many years liberals have continued unnoticed to advocate voucher schemes as an alternative or a supplement to State education.⁶ It is paradoxical that radicals who bemoan the fate of such schools as Risinghill have not grasped the simple truth that bold experiments are unlikely to flourish in a monopolistic State education system dominated by conservative bureaucracies and politically vulnerable local authorities. Mill's views on education reveal an important difference between his anti-collectivist radicalism, which sought always to assist the disadvantaged by widening their opportunity for free choice and self-reliance, and the Fabian paternalism by which it was supplanted, whose goal apparently is to make the poor dependent on an expansionist apparatus of social workers and benevolent planners.

This overall contrast between Mill's radicalism and that of twentieth-century political parties (to which I shall return shortly in another context) is worth remarking on in that it discloses one of the most important tendencies of Mill's political thought, which is expressed in his constant

search for methods which alleviate distress and strike at the roots of social injustice while restricting personal liberty to the minimum practicable extent. The relevance of Mill's anti-collectivist approach has increased rather than diminished in the century and more since his death, for we know now that vast nationalized social services not only involve considerable loss of liberty, but often facilitate a net redistribution of income and resources from the poorer to the better-off sections of the community. Indeed, those who give up the most freedom under such schemes are the poor who get least in return.

Mill's whole approach to the social injustices of industrial society involves a critique of orthodox socialism which can be deeply instructive to radical reformers well over a century later. Presciently identifying the fate of revolutionary socialism, Mill warned that catastrophist strategies to socialism, since they presuppose the collapse into chaos of the existing social order, are bound to generate (not the benign classless anarchy of which their proponents dream) but rather a dictatorship, in all probability far more oppressive than the old regime, in which there will be little or no room left for individuality of any kind. He was no less perceptive about the dangers of reformist socialism of the Statist or Fabian variety. If it is plainly mistaken to count Mill among the precursors of Fabianism, it is probably equally inaccurate, however, to suggest that he would be at home in the Selsdon Group;⁷ for Mill developed a series of proposals for the alleviation of the central injustices of the industrial society that was emerging around him which have the most radical implications today.

It should be a commonplace by now that Mill was no inflexible adherent of *laissez-faire* — for that matter, none of the classical economists subscribed to *laissez-faire* principles without making important exceptions and qualifications to them — and he acknowledged the propriety of a wide range of governmental activities, many of the kind which have become taken for granted in the liberal democracies of the twentieth-century western European and English-speaking world. It is important to recognize, however, that Mill's proposals for tackling the social problems of an industrial civilization go far beyond anything that merely suggests the kind of activities undertaken by the post-war Welfare State.

The major targets of Mill's criticism of the arrangements of the emergent industrial society of his day were the maldistribution of property and the oppressive system of industrial organization. In the posthumous 'Chapters on Socialism', published in the *Fortnightly Review* in 1879, Mill declared that, in existing society, 'reward, instead of being proportional to the labour and abstinence of the individuals, is almost in an inverse ratio to it'. One of the primary causes of this inequitable distribution of rewards, according to Mill, was the concentration of

fortunes facilitated through their uninterrupted accumulation across the generations, and his remedy for this, though much discussed in subsequent economic writings, seems as Utopian today as it did when he proposed it in the first edition (in 1848) of his *Principles of Political Economy*. Mill advocated the institution, not of an estates duty, but of what we would nowadays call an accessions duty or an inheritance tax, to be levied on the recipient and not on the donor of the capital.

The merit of such a tax is that, unlike other arrangements, it need not transfer wealth from private individuals to the State, since it is eminently avoidable through the desirable expedient of dispersing one's wealth widely. Mill's support for a reform of inheritance taxation which would promote the diffusion of wealth, when taken in conjunction with his opposition to the progressive taxation of income, distinguishes his radical sense of social injustice sharply from that which animates most socialists. Though it prompted him to favour a redistribution of property and so of incomes in the context of the industrial society of his day, Mill's radical conception of social justice has no specifically egalitarian orientation, condemning the inheritance of large fortunes rather on the grounds of its undeservedness and because huge concentrations of wealth may ultimately become inimical to liberty — whether they are held in governmental or in private hands. Equally, however, Mill's conception of social justice separates him from all those conservatives who are, at bottom, concerned with nothing more than the preservation of entrenched privilege. In the first edition of *Principles of Political Economy*, Mill's advocacy of what amounts to a guaranteed annual income or social dividend for all, confirms this contrast with conservative thought, and shows how close is his position to that of contemporary radicals in the same tradition.⁸

An inequitable distribution of property is, of course, closely related to that mode of capitalist industrial organization in which enterprises are owned and managed by owners of capital who stand in an authoritarian relationship with wage-earners. Throughout his life Mill was opposed to such a system of industrial organization. He opposed it because, in the first place, it institutionalized a permanent conflict of interests between owners of capital and wage-earners, and no system of productive association which rested on such a contradictory basis could be expected to be either stable or efficient. In the second place, the separation between wage-earners on the one hand and owners and manager on the other, deprived workers of any real opportunity for personal initiative. In so doing, it stultified their growth and prevented them becoming anything like the responsible, autonomous individuals that Mill had theorized about in *On Liberty*. Mill's fundamental objection to the capitalist system of his day led him to take a life-long interest in schemes for profit-sharing, industrial partnership, and producers' co-operation; but his boldest

vision goes far beyond such proposals, and can best be described as a form of non-revolutionary, competitive syndicalism. As Mill put it:

The form of association . . . which, if mankind continues to improve, must be expected in the end to predominate, is not that which can exist between a capitalist as chief, and work-people without a voice in the management, but the association of the labourers themselves on terms of equality, collectively owning the capital with which they carry on their operations, and working under managers elected and removable by themselves.⁹

Mill's post-capitalist society

A number of points need making at once about the syndicalist or non-State socialist vision which is expressed in this passage. Crucially, Mill's vision of a post-capitalist society, unlike that of virtually all socialists, does not include the elimination of competition. Indeed, as far as Mill was concerned, no changes in the existing system of industrial organization would bring about a tolerable society which sought to suppress competition between enterprises and individuals, or which resulted in competition becoming less effective. If Mill is in any sense a socialist — and he certainly envisaged a social order which was no longer recognizably that of nineteenth-century England, and which differs at least as much from our own capitalist society — then his was decidedly a 'market socialism'. Unlike market socialism of the Yugoslav variety, however, Mill's vision of a post-capitalist society is not one in which the institution of private property in the means of production has been abrogated: there is no suggestion that the workers' shares in their enterprises will not be marketable, and there is every reason to think that Mill wanted to see an improvement in the capital market, with an entrepreneurial class of industrial pioneers having an acknowledged place even in the fully realized syndicalist society. Again, it should be noted that, despite his unorthodox sympathies with trade unionism, Mill envisaged no real place for trade unions in the society of the future; he looked forward to a time when the harmony of interests between all partners in production, facilitated by workers' ownership and self-management, would allow 'the true euthanasia of trade unionism'. In other words, Mill's proposals for workers' participation in management were at the furthest removed from those contemplated by western socialist theorists, which apparently envisage no more than the inclusion in management of faithful representatives of our reactionary trade union bureaucracies.

Perhaps the cardinal example of how Mill's thought catches up with our preoccupations in the last quarter of the twentieth century is to be

found in his advocacy of the stationary-state economy. Like other classical economists, Mill accepted that economic growth could only be temporary in a world of scarce natural resources, in which population constantly pressed on land and food reserves. In contrast with all other economists in the classical tradition, however, Mill did not fear the arrival of a stationary economy, but rather welcomed it as an opportunity for a large-scale transformation in social values. It is true, of course, that a large part of Mill's concern that society be re-ordered so as to allow a peaceful transition to a no-growth economy derives from his neo-Malthusian insistence on the finitude of the world's resources and the constant danger of overpopulation — an insistence which seems far less unreasonable now than it did 20 years ago. Yet the larger part of Mill's advocacy of a stationary-state economy is not concerned with considerations of resource depletion but with the damaging effects on human character of the unremitting pursuit of possessions and with the destructive consequences for our natural environment of open-ended economic growth.

I suggest that it is a feature of Mill's radicalism — one which makes it especially relevant to contemporary radical reformers — that, unlike almost all forms of socialism, it is not based on the illusory prospect of a cornucopian abundance created by the magical fecundity of technology. At a time when such a viewpoint was almost unknown, Mill told his readers that:

It is only in the backward countries of the world that increased production is still an important object: in those most advanced, what is economically needed is a better distribution, of which one indispensable means is a stricter restraint on population.¹⁰

Again, he concludes the prophetic chapter of *Principles of Political Economy* on 'The stationary state' with the remark that 'a stationary condition of capital and population implies no stationary state of human improvement'.¹¹ Mill's summons to us to welcome a stationary-state economy has increased in relevance during a century in which the self-defeating and destructive aspects of indefinite economic growth have become one of our most central concerns. It is more than ever urgent that we heed it at a time when an unplanned curtailment of economic growth precipitated by a rise in the cost of energy has panicked many public figures into supporting a desperate search for new methods of sustaining the growth economy.

The relevance of Mill's radical liberalism

My discussion of the relevance of Mill's thought to contemporary liberals should have illuminated some of the reasons why it is a mistake to regard him as a patron saint of a defunct creed. In at least three respects, I

suggest that Mill's radical liberalism still has much to offer those in search of a reasonable radicalism. Mill's is a decentralist, anti-statist radicalism, which, unlike orthodox socialism, addresses itself to the problems involved in meeting the widely acknowledged need for political devolution and the diffusion of power and initiative within the great entrenched institutions of our society. It is a radicalism which, while calling for a massive redistribution of property and therefore of incomes, offers an alternative conception of social justice to that of a levelling-down egalitarianism — which, in practice, seems inexorably to result in either a stagnant and uniform society, or in a society where differentials in power and authority replace far more innocuous differentials in monetary reward. Moreover, it is a radicalism which is well prepared to meet the challenges posed by an end to economic growth in the world's developed (or overdeveloped) societies. Mill's political thought should be a central inspiration of those who seek to modify the institutions and policies of liberal societies while remaining faithful to the central ideals of the liberal tradition.

It would do no good to pretend that we can find in Mill's writings answers to all the major problems that confront us now — and, in any case, Mill would have deprecated any such attempt. Mill cannot tell us how we are to combat explosive inflation and ever-increasing unemployment while preserving traditional liberal freedoms: we will look in vain in his works for illumination regarding the multiple crises of contemporary economic systems (both 'capitalist' and 'socialist'). In forging institutions to cope with unprecedented economic conditions, we need (as Keynes emphasized) new wisdom for a new age. It would be disloyal to the spirit of enquiry which Mill stood for, if we were to exempt from criticism any of the political or economic institutions which we have inherited from the great age of English liberalism. As Mill himself argued, radical reforms in our political institutions will be necessary if we are to realize the promise of democracy, while avoiding the danger of a democratic tyranny of the majority.¹² Though we must not expect from Mill's writings a blueprint for the achievement of a liberal society in a world in many ways very different from Mill's, it has been the argument of this chapter that radicals will be unreasonable if they neglect Mill's thought on some of the principal dilemmas that perplex us today. Mill always regarded his age as an age of transition: and our age is no less an age of transition. It would be a hopeful augury if the current decomposition of conventional political wisdom were to encourage liberals to re-examine Mill's views on how this great transition should be conducted.

Notes

- 1 Some dissenters from this consensus are: Alan Ryan, 'John Stuart Mill's art of living', *The Listener*, October 21, 1965, 'John Stuart Mill and the open

- society', *The Listener*, May 17, 1973; Antony Flew, 'J.S. Mill — socialist or libertarian?', in Michael Ivens (ed.) *Prophets of Freedom and Enterprise*, (London: Kogan Page for Aims of Industry, 1975) pp. 21–7; Ian Bradley, 'John Stuart Mill — a Victorian's message for modern liberals', *The Times*, May 8, 1973.
- 2 For example: Jack Parsons, *Population versus Liberty*, (London: Pemberton Books, 1971) with forewords by Douglas Houghton, Sir David Renton, and Lord Beaumont.
 - 3 See Thomas Szasz, *Law, Liberty and Psychiatry*, (London: Routledge & Kegan Paul, 1974) and other writings.
 - 4 See especially Chapter Three of *On Liberty*.
 - 5 *On Liberty*, (Dent edition, 1972) p. 161.
 - 6 For example, Milton Friedman, *Capitalism and Freedom*, (Chicago: University of Chicago, 1974); A.T. Peacock and C.K. Rowley, *Welfare Economics — A Liberal Restatement*, (London: Martin Robertson, 1975).
 - 7 The suggestion is made by Flew (see note 1, above) in Ivens, *Prophets of Freedom and Enterprise*.
 - 8 See, for example: Professor J.E. Meade's *Intelligent Radical's Guide to Economic Policy*, (London: George Allen & Unwin, 1975) for a reform programme very much in the Millian tradition.
 - 9 *Principles of Political Economy*, (Penguin edition, 1970) p. 133.
 - 10 *ibid.*, pp. 114–15.
 - 11 *ibid.*, p. 116.
 - 12 See Mill's proposals for a proportional or personal representation in *Considerations on Representative Government*, Chapter X.