

ON LIBERTY'S LIBERTY¹

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RESUMEN

Aclamado como el libro más influyente nunca escrito en favor de la libertad, *Sobre la libertad* de John Stuart Mill es un trabajo contradictorio e impreciso. La noción de libertad de Mill coexiste con ideas antiliberales. Defendía la propiedad privada de los capitalistas, pero no de los terratenientes. Criticaba el proteccionismo, pero hacía una excepción con las industrias nacientes. Defendía la competencia, pero establecía límites para ella. Criticaba la educación pública general, pero permitía al Estado obligar a los ciudadanos a estudiar. Defendía la libertad de mujeres y hombres, pero no la libertad de escoger el número de hijos que deseaban tener, o de decidir sobre su educación, o de legarles bienes. Decía que partir del *laissez faire* era malo a menos que produjese algún bien. Este admirado amigo de la libertad no pudo entender la lógica de la familia, del matrimonio, de la religión, de la tradición, de la costumbre; las vió simplemente como obstáculos represivos para la libertad. Un libro que supuestamente apoyaba la libertad ignora o desprecia los derechos naturales o pre-legales y dirige el núcleo de sus críticas no contra el poder legal o político del Estado sino contra la tiranía de la opinión pública.

Palabras clave: Libertad, Liberalismo, Socialismo, Intervencionismo, John Stuart Mill.

ABSTRACT

Hailed as the most influential book ever written in favor of freedom, John Stuart Mill's *On Liberty* is a contradictory and imprecise work. Mill's notion of liberty coexists with anti-liberal ideas. He defended the private property of capitalists, but not of landowners. He criticized protectionism, but made an exception for infant industries. He defended competition, but set limits on it. He criticized general public education, but allowed the State to force citizens to study. He defended women and men's freedom, but not the freedom to choose the number of children they wanted to have, or decide about their education, or bequeath goods to them. He said parting from *laissez faire* was bad unless it produced some good. This admired

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friend of liberty could not find the logic in family, marriage, religion, tradition, morality, custom; he saw them only as repressive obstacles to freedom. A book supposedly upholding liberty ignores or disdains natural or pre-legal rights, and directs the bulk of its criticism not against the legal or political power of the State but against the tyranny of public opinion.

Keywords: Freedom, Liberalism, Socialism, Interventionism, John Stuart Mill.

JOHN STUART MILL'S *On Liberty* supports drug legalization, because there is no reason why the State should block citizens from consuming any substance they choose at their own risk. It attacks general public education as little more than a ploy to make every citizen the same, molding them into whatever form pleases the government. It argues that if political power is centralized, or if the roads, rails, businesses, universities and beneficence organizations belong to the State, the country can have freedom of the press and a democratic parliament and still not be a free country. It opposes bureaucracy, social rights, wage equality and tariff protectionism. The author, a renowned defender of women's rights and enemy of slavery, also warned of the risks that socialism could pose to economic prosperity and, more importantly, individual liberty. He criticized opponents of the free market and competition, fought progressive taxation, in particular taxes on salaries, defended capitalists' private property and greater freedom to buy and sell: the general rule must be *laissez faire*. Mill believed democracy could become oppressive and proposed severe limits to keep it from restricting freedom; for example, he recommended that individuals who did not pay taxes should not be represented in parliament. Published in 1859, this book is a radical defense of the freedom of thought, expression and action. Its thesis can be summarized in a few brief lines from the first chapter: "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant" (CW XVIII, 223).

It is accordingly easy to understand why Mill was thought to be a follower of the classical liberal Manchester School, or why Milton Friedman ranked *On Liberty* second among his favorite classical liberal books, behind only Adam Smith's *The Wealth of Nations*, or why Marx held a deep disdain for Mill. Ludwig von Mises, however, had this to say:

Mill is the great advocate of socialism. All the arguments that could be advanced in favor of socialism are elaborated by him with loving care. In comparison with Mill all other socialist writers—even Marx, Engels,

and Lassalle—are scarcely of any importance. (Mises 2005, 154; cf. also Mises, 1981, 154-5; Flew 1983, 57; Rothbard 2000, 2, 307)

F.A Hayek agreed: Mill “probably led more intellectuals into socialism than any other single person” (Hayek 1988, 149; also Hayek 1993, II, 111, 186).

Mill’s notion of liberty coexists with anti-liberal ideas, some of which are profoundly hostile to freedom. He defended the private property of capitalists, but not of landowners, an inconsistency shared by most nineteenth century liberals and one that opened the door to interventionism in our time. He criticized protectionism, but made an exception for infant industries. He defended competition, but set limits on it. He anticipated current interventionist fallacies, condemning exaggerated consumption and praising a supposedly idyllic stationary state. He criticized general public education, but allowed the State to force citizens to study. He defended women and men’s freedom, but not the freedom to choose the number of children they wanted to have, or decide about their education, or bequeath goods to them. He said parting from *laissez faire* was bad unless it produced some good. He warned of the dangers of socialism, but flirted with the advantages of experimenting with this system, which proved to be the most criminal in history. This great friend of liberty could not find the logic in family, marriage, religion, tradition, morality, custom; he saw them, and we still suffer from this enlightened error, as repressive obstacles to freedom, never mentioning that they might be the bulwarks of liberty.

Trapped between social romanticism and utilitarian rationalism, Mill appears to be an imprecise eclectic aiming at the same time at the supremacy of the individual and the greatest happiness of the greatest number, standing between liberty as a principle and the denial of non-legal rights (Winch 1970, 15; Rees 1985, 8).

With his distinction between laws of production and of distribution (CW II, 199) Mill inaugurated the doctrinal and academic respectability of income redistribution that became predominant in almost every political position up to the present day. In his 1848 *Principles of Political Economy* he analyzes interventionism starting with the one based on false theories, like protectionism, which he criticizes with the exception of the protection necessary to help start-up industries find their feet. Such protectionism is nuanced and temporary, but protectionism all the same and cannot be ignored since it proved long-lasting: although there is a context of more or less general support for free trade, in practice there have been, and continue to be, protected activities forcefully paid for by consumers.

Leaving aside erroneous theories, Mill postulated two classes of acceptable interventions: the necessary and the optional. For the necessary ones he relied on Adam Smith: there can be no market without respect for property rights and contract enforcement, meaning the State must intervene to establish a legal framework and provide justice, defense and security. Again, an exception: land. But if one type of property is excluded, logically, other types can be excluded too, as in fact it happened (Rodríguez Braun 2008, 87, 93). Although Mill argues that the free market ought to be the general rule, he goes on to propose so many exceptions that it is appropriate to view him as the founder of the theory of market failures and State interventionism (Schwartz 1972, 116; Bowley 1967, 265; Platteau 1991, 121). He examined various types of market failure that, over time, would be exhaustively analyzed: information, divisibility of factors of production, discrimination among goods and various cases of externalities. The idea of market failures would prove most successful as would be the economics of welfare: when politicians today defend the market “but with limits, because there are things the free market cannot provide” they are repeating, as Keynes said, the ideas of a defunct economist: John Stuart Mill.

Some economists, neo-institutionalists, Public School or Austrian School followers, and others, have challenged this vision. Ronald Coase showed that market failures are often failures of the institutional framework; for example, there might be problems in defining property rights. It is unclear, therefore, that the State should intervene in every instance of a seeming market failure and, by its action, rule out the possibility of negotiation among the affected parties. The idea that certain goods and services are, by their nature, public, in the sense that the market cannot adequately supply them, is a popular one. From Mill to Samuelson, economists have used examples like the lighthouse: given that it is difficult to charge the people who benefit from a lighthouse, and the virtual impossibility of excluding those who do not pay from using it, it seems clear that the State should finance the lighthouse. But this is wrong. Coase showed that many lighthouses at the time Mill was writing were private and financed by port fees, just as they are today, although the ports now are all public, back then they were not. The argument for public goods is far from evident, but its weight in economic and political analysis has been and continues to be extraordinary (Coase 1974, Jasay 1990).

NOTIONS OF LIBERTY

The two most intuitive and widespread notions about liberty are that it is something exercised on an individual level and it is limited by that fact

for everyone else. Mill follows this two-pronged approach. In chapter one he writes “the individual is sovereign” and in chapter five “liberty consists in doing what one desires” (CW XVIII, 224, 294). For the crucial question of the limits placed upon the individual exercise of liberty, Mill puts forward in the first chapter a

one very simple principle...the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. ...The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest. (CW XVIII, 223, 226)

All this looks fairly clear, but the idea of liberty seems inseparable from non-legal rights and the role of the State, and Mill's argument ignores both.

Mill upholds like all utilitarians that there are no natural rights, all rights are created by the law. Liberty, therefore, cannot be defended as existing prior to legislation. Rather, it depends on its utility. Mill stated that utility is “the ultimate appeal on all ethical questions,” but as usual, he adds a qualification: “it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being” –the debate over what he might have meant by this continues today (CW XVIII, 224).

And Mill keeps the State also out of sight. The enemy of liberty is not power, but the weight of public opinion. Under this remarkable and now generalized doctrine, the State not only does not restrict liberty, but “can and must be the instrument for guaranteeing and extending individual liberties” (Dewey 2000, 17). The seeds were planted long ago: classical liberalism retreated during the supposedly liberal nineteenth century, and politicians like Joseph Chamberlain argued that political criticism was justified only when there was no democracy. Echoes of this naivety are visible in the recent demand of republicanism theory to preserve the social-democratic (and Millian) contradiction of the State defending liberty and coercive redistribution at the same time: according to Pettit, such action is acceptable as long as it is undertaken not by an arbitrary government, but one subject to an equitable rule of law (Pettit 2006, 238). As thinkers like Nisbet and Ortega y Gasset warned, democracy, a theory of political power, overtakes classical liberalism, a theory of immunity from power (Nisbet 2003, 15, 24; Ortega y Gasset 2004, 541-2). A reader

and admirer of Tocqueville, Mill does not accept this fully, but when it came time to defend liberty, he ignored private property and voluntary contracts. Instead, he used collective utilitarian categories and the idea of the separability of personal self-regarding conduct that does not affect others. His thesis is not simply that we are free as long as we do not violate the freedom of others. Rather, in everything self-regarding there is no place for laws, beliefs, values and morals. It is the foundation of the progressive idea that non-legal rights and institutions, from the family and matrimony to property and the market, are paradigms of repression.

Establishing which actions are specifically personal and have no relationship to third parties is obviously difficult. Mill admitted as much in chapter four of *On Liberty*. However, there is something more serious in this discussion about the private sphere, as Anthony de Jasay has remarked: “An implicit drawback of the idea of a privileged sphere, of course, is that it is almost asking for intrusions into the area outside the privileged one” (Jasay 2005, 568).

This author also points to an analogous problem in a celebrated distinction regarding liberty: Isaiah Berlin's notions of negative and positive liberty. In typical Millian fashion, that is, with an appearance of clarity, but rather fuzzy content, the difference between negative liberty as non-interference, *liberty from*, and positive liberty as realization, *liberty to*, has much more algebraic and literary than philosophical merit (MacCallum 2006). In Berlin we find the typical arguments interventionists use to discuss liberty and its dangers, including the popular though mistaken animal metaphor that the market means freedom only for the wolves devouring the sheep. He also gives us the socialist retort to any classical liberal idea that if a person is poor and cannot buy something, the purchase of which is not prohibited, then his freedom to possess it is as limited as if there were a law prohibiting it (Berlin 2002, 38, 169-70). It is unsurprising to see Berlin backing Mill because the English economist believed that without State intervention the weakest would be squashed, that is, the same fallacy through which the State has expanded at the expense of citizens' liberties. Frank Knight, one of the few who criticized the division of liberty into positive and negative, noted that if one freedom demands reducing other people's freedom, it opens the door to any usurpation as long as it has enough legitimacy in society (Knight 1962). Despite the emphasis placed on unmolested development of the individual in *On Liberty*, the truth is, as Ortega y Gasset pointed out, that in Mill's “socializing cruelty” everything hangs on society like a nail (Ortega y Gasset 2006, 61; cf. also Negro 1975, 205).

The idea of limiting liberty to avoid harm undergirds the history of interventionism over the past century. The public commitment to care for individuals from cradle to grave, started under Roosevelt and the founders of the Welfare State in Britain and Europe, has proved counterproductive to liberty. It contributed to weakening personal responsibility for savings, investment in human capital, supporting the family and attending to the urgent needs of neighbors. There exists a nebulous border between not avoiding harm and provoking it. Popular rhetoric today is symptomatic of this; for example, claiming that “X number of children die each year of illnesses that could have been avoided” suggests that someone is not avoiding them and, therefore, the evil persists. This reasoning justifies taking any political measure aimed at avoiding the specific evil. In the end, the harm principle expands; omission becomes commission, and not helping people means hurting them:

Observing the effects of good intentions is often a matter for bitter irony. Locke tried with his innocent-looking proviso to prove the legitimacy of ownership and succeeded in undermining its moral basis. John Stuart Mill thought that he was defending liberty, but he ended up shackling it in strands of confusion. (Jasay 2004, 6)

MILL, BASTIAT, AND SOCIALISM

It is worth remembering what Mill thought of one contemporary and renowned classical liberal, the French-Basque Frédéric Bastiat. He reproached Bastiat in the *Principles* for defending private landownership (CW II, 424), and he displayed his interventionism in two letters to J.E. Cairnes. In the first, he regretted Bastiat's opposition to socialism:

Bastiat shines as a dialectician, and his reasonings on free trade are as strictly scientific as those of any one; but his posthumous work (*Harmonies Economiques*) is written with a *parti pris* of explaining away all the evils which are the stronghold of Socialists, against whom the book is directed. (CW XVII, 1665)

In the second letter, he congratulates Cairnes for the logical and economic content of his article against Bastiat, reprinted in his *Essays*, and invites him in the future to conduct an examination of the Frenchman's doctrines from a social or practical perspective,

and shew how far from the truth it is that the economic phenomena of society as at present constituted always arrange themselves spontaneously in the way which is most for the common good or that the

interests of all classes are fundamentally the same. (CW XVII, 1764; cf. also Rodríguez Braun 2005)

This criticism of classical liberalism is understandable in an author who sympathized with opposite ideas on liberty, in a contradiction also typical of the predominant thinking of our time, which appreciates liberty but equality through the law even more –that is, reducing liberty. Mill's ambiguity and his utilitarian notion of liberty begs us to consider him a socialist (Negro 1975, 209-10; Aiken 1962, 120; Smith 1991, 240). Hayek says:

John Stuart Mill, in his celebrated book *On Liberty* (1859) directed his criticism chiefly against the tyranny of opinion rather than the actions of government, and by his advocacy of distributive justice and a general sympathetic attitude towards socialist aspirations in some of his other works, prepared the gradual transition of a large part of the liberal intellectuals to a moderate socialism. This tendency was noticeably strengthened by the influence of the philosopher T.H.Green who stressed the positive functions of the State against the predominantly negative conception of liberty of the older liberals. (Hayek 1978, 129-30)

Mill, as he recalled in his *Autobiography*, enthusiastically supported socialists:

It was partly by their writings that my eyes were opened to the very limited and temporary value of the old political economy, which assumes private property and inheritance as indefeasible facts, and freedom of production and exchange as the *dernier mot* of social improvement... The social problem of the future we considered to be, how to unite the greatest individual liberty of action with an equal ownership of all in the raw material of the globe and an equal participation of all in the benefits of combined labor. (CW I, 174, 239)

Already in 1832 he had argued: “The State is at liberty to modify the general right of property as much as it likes; to new-model it altogether, if the public interest requires it” (CW XXIII, 460). And in the *Principles*, even while he applauds *laissez-faire*, he also leans in the opposite direction:

The ends of government are as comprehensive as those of the social union. They consist of all the good, and all the immunity from evil, which the existence of government can be made either directly or indirectly to bestow...In the particular circumstances of a given age or nation, there is scarcely anything really important to the general interest, which it may

not be desirable, or even necessary, that the government should take upon itself, not because private individuals cannot effectually perform it, but because they will not. (CW III, 807, 945, 970)

In his 1840 essay on Coleridge, Mill says that liberalism, which he terms the “let alone doctrine”, does not emerge from principles but from “the manifest selfishness and incompetence of modern European governments”, and that it is only a half-right theory. The government should not prohibit or intervene, and “beyond suppressing force and fraud, governments can seldom, without doing more harm than good, attempt to chain up the free agency of individuals”. But as usual, offering the ingredients of modern interventionism, in the next line, he asks if this means the State cannot exercise freedom of action itself, to promote the public welfare. Here Mill falls into the widespread modern fallacy that dissolves the State into every other social institution, conceding to it a quality incompatible with its monopoly over the use of legitimate force: “A State ought to be considered as a great benefit society, or mutual insurance company, for helping (under the necessary regulations for preventing abuse) that large proportion of its members who cannot help themselves” (CW X, 156).

At the same time he always supported cooperativist socialism and recognized the deficiencies of communism –his socialist sympathies were substantially more excusable than those of so many intellectuals who, even after the criminal outcomes of that system became undeniable, continued to carry them. Mill was a reformist, not a revolutionary. He did not openly attempt to eradicate private property, but to perfect it. And he accepted the superiority of a competitive system. Mill did not believe that capitalism was doomed, as he wrote in *Chapters on Socialism*:

The present system is not, as many Socialists believe, hurrying us into a state of general indigence and slavery from which only Socialism can save us. The evils and injustices suffered under the present system are great, but they are not increasing; on the contrary, the general tendency is towards their slow diminution. (CW V, 736)

And he was not especially friendly with the socialist leaders of his time. From Avignon, Mill wrote to the Danish critic Georg Brandes in May 1872:

You ask my opinion on the International...from the debates in their Congress I have not found any more common sense than from the English delegates, because my compatriots are accustomed to waiting for improvements more from individual initiative and private association

than from the direct intervention of the State. The opposite custom that prevails on the Continent leads reformers to believe they only need to grab the reins of government to quickly arrive at their objective; this is true not only of the French socialists, who are more moderate than others, but more so in the case of the Belgians, Germans and even the Swiss who, under the apparent direction of some Russian theorists, think that it is enough to expropriate everybody and topple existing governments, without worrying about what might replace them. (CW XVII, 1874, written in French)

This “qualified” socialist (CW 1, 199), a supporter of free competition, was, however, expelled from the Cobden Club for his ideas on private landownership in the association he founded: the Land Tenure Reform Association (CW XXIX, 371-3; Winch 2004, 552). If the price of forerunners is that of Saint John the Baptist, Mill paid it: neither the socialists nor the most radical communists nor the next generation of anti-utilitarian liberal reformers—for whom Mill was among the most eminent Victorians Lytton Strachey depicted—considered him one of their own (Himmelfarb 1990, 301).

Later liberalism lost even more of its original skepticism of the State. T.H. Green already thought that Mill and *On Liberty* were not sufficiently interventionist—and, for example, argued that if health is good and alcohol bad, it is logical for the State to intervene and prohibit alcohol. Green felt that the State was no adversary to the liberty of a people but the grantor of its rights; in fact State power should be increased in order to promote liberty (Berger 1984, 203-4; Robson 1998, 484-6; McCarthy 1978, 208-10). In Green we see almost every aspect of current democratic socialism, with the anti-liberal key of the common citizenry and the State viewed not as coercive but as liberating; he reproaches Mill for not having been more emphatic in recommending the expansion of politics and legislation beyond education to the unlimited universe of rights that makes up today's Welfare State (Green 2006; Holloway 1960, 390-3, 399; Coats 1971, 14).

Mill blazed the trail, and was admired for doing so, although much later and by both socialists and those whose main goal was not the limiting of power—whether inhabiting the political center or right. Such flabby contemporary thought now hails him for being social or progressive, casuistically combining capitalism and socialism, and defending liberty until it needs to be attacked. Alfred Marshall fell into this contradiction so characteristic of Mill and said about the growth of the State: “This expansion gives rise to major evils and must be resisted, except when there is clear

prima facie evidence that it will be efficient and economic” (Marshall 1920, 631-2).

It is understandable why authors like de Jasay have little patience for this type of reasoning:

Mill, despite his ringing phrases in *On Liberty*, his mistrust of universal franchise and his dislike of the invasion of liberty by popular government, had no doctrine of restraint upon the State. His pragmatism strongly pulled him the other way. For him, State intervention involving the violation of personal liberties and (to the extent that these are distinct) property rights, was always bad except when it was good. True to his broad utilitarian streak, he was content to judge the actions of the State “on their merits”, case by case. (Jasay 1985, 81-2)

Utilitarianism rejects a priori existing institutions in “an implicit denial that existing arrangements contain a presumption in their own favor”, and believes acts are good if their consequences are good, allowing for the changing of any agreement for improvement:

Despite his non-interventionist reputation, this was precisely J. S. Mill's position. He held that a departure from *laissez faire* involving an “unnecessary increase” in the power of government was a “certain evil” unless required by “some great good”—greater than the evil in order that the balance of good and bad consequences should be good. (Jasay 1985, 90)

A FALSE MORAL SUPERIORITY

We find in Mill personal traits of progressive intellectuals: the arrogance to start from the idea that one's own opinions are “advanced”; the victimism that believes one is arguing for minority views having in fact a wide influence; and the paternalism that professes great sympathy for the poor in general, but little for individuals. Mill imagines an idealized, and in truth dangerous, cooperation; dangerous because, as Stephen hinted at, those who love the human race in the abstract and look toward the future, but do not much care for specific individuals living with them in the present, will be ready to reduce liberty, for those people's own good. Mill moves from one economic stereotype to another; from the fallacy of having to socialize capitalism to save it from socialism to the presumption made by self-affirmed progressives that if someone rejects classical liberalism that makes him a better and more humanitarian person, who helps, promotes, supports and really represents the humble and disadvantaged (Kirk 1952, 577; Stephen 1991, 81, 213, 239; Sowell 2006, 129; Witztum 2005, 256).

Progressivism's false moral superiority can be found at the center of Mill's position. It is noticeable in his open hostility to religion, the closer the worse, and his support for a secular-Comtean "religion of humanity" (Hamburger 1999; Raeder 2002). Attacking religion, like relativizing Christian morality, is a characteristic mark of anti-liberalism and is evident in the progressive reaction to the two most recent Popes who openly questioned socialism and who, as a result, the left classified as dangerous extremists –already in the 1800's Catalan liberal Laureano Figuerola referred to socialists as "the monks of the nineteenth century" (Figuerola 1991, xxxvii) who aspire to replace Christianity with their own creed.

Attempting to substitute reason for religion and morality has two aspects related to liberty. On the one hand, if one can play with those institutions without limit, important checks to power are lost. Hayek points out that Mill was close to the enlightened rationalist school of thought that tended to reject established practice (the consuetudinary) not based on reason, and which had already at that time turned the presumption favoring liberty to one opposing it. He could support competition and the market, like many socialists today, but for reasons of instrumental efficiency, not principle: principle was what had to yield to reason. And this is why liberty annoyed Bentham, who in economic areas like usury was more liberal than Adam Smith. Liberty, like natural rights, did not fit with rational utilitarianism. It was, as it remains, more like a feeling, and Bentham could not stand it:

Liberty therefore not being more fit than other words in some of the instances in which it has been used, and not so fit in others, the less the use is made of it the better. I would no more use the word liberty in my conversation when I could get another that would answer the purpose, than I would Brandy in my diet if my physician did not order me. Both cloud the understanding and inflame the passions. (Kelly, 1993, 90; Hayek 92-93; Paul 1980; Crimmins 1996, 752)

The second anti-liberal aspect of this moral superiority derives from the first: if the rational position is to remove the checks on power when planning reforms to maximize the happiness of society, why suffer them when it comes the time to put these reforms into practice? (Hollis 1983, 32). Not only there should not be checks: just the opposite is called for. This why Cowling says that Mill's principles do not stand out for their philosophical rigor or authority, but for their commitment to action (Cowling 1990, 77; cf. also Viner 1949, 380). Contemporary interventionism is always filled with such calls, to fight whatever needs fighting that day, from poverty to

climate change, but in these battles the collective goals rule supreme, never individual liberty. Negro observes that Mill's emphasis on the diversity of individual development in *On Liberty* is insufficient because it lacks a core liberal precept: limiting power. On the contrary, if politics invokes morality there can be no limits to its action, and Mill's moralizing standpoint opens the way to the confusion between public morality and politics and to the use of the law to achieve any political goal irrespective of its being inimical to liberty (Negro 1996, 41, 46, 52). This has happened in our time, when diversity and pluralism have become moral catapults to justifying the subversion of the institutions that protect liberty, in order to achieve any laudable collective aim or right. Hollis warns us of the dangers when people question laissez-faire and the economic problems of distribution become ethical problems regarding who has a right to what (Hollis 1987, 385). Himmelfarb notes that in Mill's time there was a strain of economic liberalism, but the sphere or morals

was deemed to be too important to be left to the unguided impulses of individual passions and interests. It remained for *On Liberty* to reverse this order. There, for the first time, not only the State but still more society were enjoined from intervening in intellectual, moral, and cultural affairs. (Himmelfarb 1990, 327; cf. also Dalrymple 2007, 42-62)

CONCLUDING REMARKS

There are, in sum, reasons to doubt the classical liberalism of *On Liberty*, the most celebrated text ever written in favor of liberty. Two final remarks on this paradox. Contradictions follow easily from contradictions, and Mill contradicts himself often, among other reasons because, as Williams says: "a degree of circularity is an unavoidable element in the moral discourse of one who no longer derives everything from a fundamental or ultimate principle" (Williams 1976, 137). This is attractive in a democratic world that often appeals to fictions in order to make impossible ends meet, and it also highlights H. Cowell's error in predicting, in an early review of *On Liberty*, that Mill's "evanescent" theories would never take root (Pyle 1994, 301).

Finally, Mill presents some libertarian notions with unparalleled mastery. And if his case for freedom has been called a "patchwork mixture of insight and chaos", this means that it provides ammunition both for and against liberty (Smith 1980, 252; Spitz 1962, 178). To appreciate it, the reader may reflect on the restrictions authorities now place on liberty, from the most blatant economic interventionism to the most meticulous and moralizing social engineering of daily life, all with the apparent

justification that democracy simply and automatically reflects citizens' interests, and in the name of progress none of its incursions should be opposed. *On Liberty* includes reasons for rejecting all of it.

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