

THE LIBERTARIAN PHILOSOPHY OF JOHN STUART MILL

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JOHN STUART MILL'S ESSAY *On Liberty* has been praised and attacked for many reasons and from many different perspectives, but one aspect of Mill's work that has been overlooked is a conception of freedom that was new to the British political tradition. I shall focus on that novel conception of freedom in order to show that it is more properly understood as libertarian, not liberal, and to demonstrate how this conception of freedom sheds light both on a number of other ideas in Mill's social philosophy and on the evolution of his thinking.

MILL'S NOVEL CONCEPTION OF FREEDOM

There are two major obstacles to the comprehension of Mill's novel conception of freedom. First, we need a terminological clarification of the meaning in this context of *libertarian* and *liberal*. Second, the belief that Mill is "the" expostulator of liberalism is so widely held by both admirers and critics that it has achieved a kind of textbook status. It is this presupposition that largely distorts the reading of Mill and the result of this distortion is that we are denied access to valuable insights.¹

Let us turn to the terminological issue first. By *libertarian* I mean the moral position that the paramount value is individual liberty. This moral position has social, political, and economic implications, all of which are exhibited in the social philosophy of Mill. There are, of course, numerous individuals and positions that are vaguely and sometimes incongruously identified as libertarian, and in the popular mind libertarians tend to be narrowly viewed as holding only an economic position favorable to laissez-faire.² Nevertheless what all of these positions share is a conviction of the supreme importance of individual liberty and a commitment to its principled adherence, however much they may disagree on the detailed principled defense. Individual liberty takes precedence over everything else.

Whatever else may be said, no one has ever questioned that in the essay *On Liberty* Mill advocated what I have just defined as the libertarian position. In fact, even those who criticize Mill do so by trying to show either an alleged conflict between the principled defense of individual liberty and other values Mill advocated in politics and economics or the allegedly untenable implications of such an extreme position. My contention is that Mill's moral libertarianism is fundamental, whereas his positions in politics and economics are derivative, but consistently derivative, from the moral libertarianism.

What is moral libertarianism? The fundamental value is freedom. Freedom is living according to rules that are self-imposed. This concept of freedom has two dimensions: (a) it means opposing the imposition of rules from without (that is, oppression and coercion); and (b) it means not imposing rules on others (paternalism).

The two things most noticeable about Mill's moral libertarianism is that it is strikingly reminiscent of Rousseau's conception of freedom, and it is clearly incompatible with any theory of man that alleges that there are any goals or needs more fundamental than the condition of being free.³ It would, to be explicit, be incompatible with the psychological and social theories of utilitarian liberalism, or Benthamism.⁴

This brings us to the second obstacle to the understanding of Mill's position, namely, the assumption that Mill is "the saint of liberalism." The distance between Mill and liberalism is most apparent on the issue of freedom, so it is important to spell out the difference.

The traditional liberal definition of freedom, going back to Hobbes and Locke, is that freedom is the absence of arbitrary external constraint. It is customary to read Mill's essay *On Liberty* as a plea for minimizing newly emerging external constraints such as public opinion and the general conditions that conspire to induce conformity.

There are some well-known paradoxes generated by the traditional liberal notion that freedom is the absence of arbitrary external constraint. This definition, when pressed to its logical limits, leads either to the cult of self-gratification or to its diametric opposite,

totalitarianism. If, for example, freedom is the absence of external constraint, then I am constrained by not having the means or power to achieve my objectives, or I may be constrained by the available alternatives or by any factor influencing my knowledge of or imagination of all possible alternatives. When the state is designated as the institution charged with protecting my freedom, then it follows that my freedom is increased by every function assumed by the government to remove obstacles. The more powerful and interventionist the government, the more free I become. Here we approach totalitarianism. We should also note that every function performed by government to guarantee or to expand one person's freedom could conceivably limit everyone else's range of alternatives or means available (limited resources) to satisfy them. At the other extreme, some schemes of self-gratification not only undermine the social fabric but clearly conflict with the gratification of others.

These paradoxes are always arbitrarily resolved by arguing that not all desires are legitimate (hence the qualification about "arbitrary" constraints), that some interests take precedence over others, and that some sort of preestablished harmony (either in the individual or in the community or in both) serves as the criterion for resolving the conflict. Hence emerge the "hidden hand" and egalitarian schemes. Individual theorists disagree, of course, but the postulated harmony is the implicit teleological premise that renders the definition of freedom plausible. Thus, the distinction between classical liberals who oppose government intervention in the market and modern liberals who advocate liberation through the welfare state is understandable; they rely on alternative visions of what constitutes the legitimate set of ends. Ironically, both subscribe to the same definition of freedom.

Mill's writings straddled that period when the paradigm of classical liberalism was giving way to the paradigm of modern liberalism. Depending on one's own bias, it is easy to interpret Mill as either (a) committed to classical liberalism but making too many concessions to modern liberalism or (b) committed to modern liberalism but retaining too many vestigial traces of classical liberalism or (c) just plain confused or confusing about which way to go. If we attribute (c) to Mill, we might be tempted to interpret him as an incipient totalitarian (as Cowling does) or, however reluctantly, as the forerunner of the licentious society and the cult of self-gratification (as Himmelfarb does).⁵

What I am proposing is that Mill was no liberal at all and that he did not subscribe to the traditional liberal definition of freedom as the absence of external constraint. On the contrary, Mill was a moral libertarian. In order to establish this thesis, we must first present the positive evidence of Mill's libertarianism, second marshal all of the evidence against Mill's alleged liberalism, and third show to what extent Mill emerges as a more consistent and insightful thinker if we take this approach.

MORAL LIBERTARIANISM IN *ON LIBERTY*

The clearest statement of Mill's moral libertarianism is his principle of liberty:

... 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. That 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. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise or even right.⁶

Objectively speaking, this is a remarkably clear statement. The only thing more remarkable is the misunderstandings generated by trying to read something else into what Mill is saying. No statement of principle could be more anti-utilitarian. No statement could more clearly rule out any teleological doctrine that makes freedom or liberty a means to some other conception of human well-being. In short, *freedom is integral to individual well-being, individuality is living according to self-imposed rules, and freedom is not a means to promoting well-being.*

From this point of view, the much-trumpeted ambiguity of this passage—namely, the meaning of *harm*—is self-evident. To harm someone is to interfere with his freedom. That is, to harm someone is to prevent him from living according to his self-imposed rules. Harming someone has nothing to do with preventing that person from reaching some desired end or maximizing his self-interest; rather, harming someone is a formal matter of not letting him choose for himself. This conception of moral libertarianism makes paternalism self-contradictory.

Is there any evidence that Mill understood harm in this way? A statement in *Utilitarianism*, written subsequent to *On Liberty*, spells this out.

The moral rules which forbid mankind to hurt one another (in which one must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs.⁷

Not only does this connect harm with freedom, but it establishes that *Utilitarianism* must be read in the light of *On Liberty* and not the other way around.

If paternalism is in Mill's theory self-contradictory, then this will explain a number of interesting features about Mill's argument.

Nowhere does Mill attempt to prove that intervention will prevent the maximization of happiness. On the contrary, Mill admits that even if government intervention were to promote efficiency, it would still be inconsistent with freedom.⁸ Nowhere does he argue that individuality means maximizing one's well-being or maximizing self-realization. Quite the contrary, he chides his opponents for arguing that failure to maximize our potential is a harm to others. The justification for intervention, therefore, is not positive but negative. It is not to promote the maximization of welfare but only to protect freedom. As we shall see, Mill makes exactly the same point in the economic sphere.

The most important and lengthy part of Mill's discussion of censorship is his stress on the important moral influence upon the individual of contesting opinions.⁹ Nowhere does Mill say that free and open discussion guarantees the discovery of the truth. The moral process of debate is what justifies our acting on a belief, not the truth of the belief. Once it is recognized that there is an important influence on the individual of contesting opinions, of rehearsing the pros and cons, it is necessary to admit that Mill's doctrine is not limited to elites. Even those with ordinary intellects may attain to the "dignity of thinking beings."¹⁰ As more and more people participate in decision making, the need for responsible individuals grows.

What then is the relation between a free individual and his society? Mill himself stresses that social stability depends on a consensus, but no consensus is really stable unless it is freely arrived at.¹¹ Hence a society of free individuals whose consensus is freely arrived at—that is, self-imposed—is more likely to be stable. Instead of encouraging indifference, Mill's theory not only permits social concern but requires that it be expressed in a manner compatible with freedom.¹² Finally, the connection that Mill draws between individual freedom and social welfare is that the greatest contribution of free individuals is that they serve as an example to others.¹³

On Liberty is not a political statement but a moral one. In a letter to Villari, Mill stressed that he was concerned with a liberty that is "moral and intellectual rather than political."¹⁴ He was not making a policy recommendation but formulating a doctrine or principle designed to influence people before they engaged in policy making. It is a principle that is designed to be consistent with the fundamental freedom of human beings and that avoids both the totalitarianism of increased paternalism and the cult of self-gratification. Failure to provide such a principled defense leads, as Mill himself pointed out, to the likelihood of erring on the side of laxity as much as on the side of interference.¹⁵ Moral libertarianism in Mill is, then, the self-conscious avoidance of the dilemmas and paradoxes of liberalism. Whatever other problems human beings may face, nothing is to be gained and a great deal will be lost by confusing those problems with the problem of freedom or by making freedom subordinate to other ends.

LAISSEZ-FAIRE, THE WELFARE STATE, AND SOCIALISM

What are the implications of Mill's moral libertarianism for economic policy? If individual freedom in the moral sense is *the* fundamental value, then no economic or political doctrine can take precedence over it. That is, there can be no unqualified adherence to laissez-faire or any other economic doctrine. At best, laissez-faire can be derivative from or limited by moral freedom. Mill, therefore, cannot be an unqualified supporter of laissez-faire. But it also follows that every limitation of laissez-faire must be consistent with individual moral freedom.

Because Mill is not an unqualified advocate of laissez-faire, it has been customary to interpret this as symptomatic of the modern liberal version of freedom—namely, that the state liberates us by removing obstacles. But the issue is not whether Mill qualifies laissez-faire but the grounds of the qualification. As we shall see, his grounds are not the liberal ones.

Having noted that for Mill laissez-faire is subordinate to moral freedom, we are in a position to note more carefully the relation between the two. First, since laissez-faire is a subordinate principle, there can be no “universal solution”¹⁶ to controversies over whether there should be government intervention either in the economy or in other institutions. Whatever case can be made for laissez-faire, it is always subject to override in terms of the supreme value of moral freedom. This, however, can give little comfort to the proponents of centralizing power, for the same point can be made about any argument for intervention. Second, in both *On Liberty* and the *Principles of Political Economy*, Mill advocates that laissez-faire be the rule, and the onus is always on those who would introduce limitations. Third, Mill's main argument on behalf of laissez-faire is that it is the economic arrangement most consistent with developing moral freedom.¹⁷ Laissez-faire is a means to moral libertarianism and not vice versa. Fourth, the exceptions that Mill notes (education, access to information, children, the dole, practical monopolies, giving effect to voluntary agreements, etc.) are all so qualified as to give no comfort whatsoever to advocates of government activism. The qualifications are (1) that proponents of intervention must provide *factual* support of effectiveness, (2) that the purpose of the help is to “help towards doing without help” and (3) that there should never be intervention if it can be done by private effort.¹⁸

I would like to interject the remark that putting the onus on interventionists is a complete reversal of current discussions of these issues. Nowhere does Mill maintain that the state has a positive function to improve or to aid the progress, fulfillment, and self-realization of its citizens. And always there is the warning that the ultimate value is not prosperity but moral freedom.

I want to maintain that Mill is one of the clearest and most consis-

tent defenders of laissez-faire. To emphasize this point, let us contrast Mill's views with those of the major alternatives.

Classical liberals (for example, Adam Smith, Jeremy Bentham) permit government intervention in the economy (for example, building canals) in order to increase *production*. The same rationale applies to legal reforms.

Modern liberals justify government intervention in order to improve *distribution*, either on humanitarian grounds or because they also think that this will improve productivity or both.

Socialists (for example, Hobhouse) justify government intervention in order to improve *consumption*—that is, to encourage selected forms of social behavior such as participation.

All three of these positions—classical liberalism, modern liberalism, and socialism—assume some form of economic determinism, wherein it is argued that all other values are derivative from economic arrangements.

Anarchist libertarians are in principle opposed to all government activity. They argue that government intervention is by definition coercive (which allows the issue to degenerate into a semantic one) or that as a matter of fact government intervention is counterproductive economically and to freedom.

Conservatives are opposed to government intervention because it undermines some traditional values that are themselves defended on metaphysical or religious grounds.

Superficially, one can place Mill almost anywhere. He was favorably inclined to activities like canal building, he was humanitarian, he was concerned that the cure would be worse than the disease, and he certainly defended some traditional values like independence. Ironically, the only place he does *not* fit in is with the notion of social control over consumption (paternalism). Yet, on reflection, one sees the vast gulf between Mill and all these other positions. Mill would certainly reject the assumption of economic determinism. Freedom is not the incidental by-product of economic progress (read, for example, the “stationary state”), however much economic progress may under some circumstances help. Nor would Mill share the metaphysical or religious convictions of conservatives. Mill is perhaps closest to the libertarians described above, but I think that he would stress that counterproductivity has to be established as a contingent matter of fact in each individual case and cannot therefore be assumed a priori.¹⁹

Mill does not defend laissez-faire as a basic axiom or as a right; rather, it is derivative from moral freedom. Mill would insist on an issue-by-issue analysis. Government intervention, when it is permitted, is to prevent harm and not to do good, and harm is defined by reference to the moral conception of freedom.

MILL AND SOCIALISM

Given the foregoing, how could anyone ever have come to believe that Mill favored or was drifting toward socialism? The most important historical reason is Mill's alleged authorship of *On Social Freedom*. But, as J. C. Rees has shown, Mill was not the author of that work.²⁰ This invaluable service to scholarship now allows us to examine Mill's discussion of socialism without the cloud of that spurious authorship.

The second main source of misunderstanding derives from Mill's remarks on socialism in his *Autobiography*. To begin with, Mill noted that a "substantial" change of opinion in his life had been the adoption of a "qualified Socialism." The actual endorsement was described some pages later when Mill classified himself and Harriet "under the general designation of Socialists."²¹ Clearly, what is needed is some clarification on what Mill meant here by *socialism*.

From a terminological point of view, what we contemporary readers must keep in mind is that *socialism* simply did not have the specific meaning that it has now. When we examine the specific policies and proposals that Mill thought of as socialist, they turn out to be what we would now designate as syndicalism or trade unionism. In every instance, what Mill endorsed was the "ideal" of individuals working for a larger communal goal as opposed to a narrowly construed self-interest. Negatively, this is to be understood as Mill's rejection of Benthamism, a doctrine that denied the very possibility of this kind of motivation.

What Mill rejected, and always rejected, in socialism was a centralized and planned economy. That is why he consistently qualified his endorsement. He also rejected what we now commonly understand as Marxist—namely, the socialist conception of history, social science, the analysis of institutions, and the political and social means by which Marx proposed to achieve socialist objectives. Moreover, Mill's fundamental reason for rejecting it was not its unworkability (true but irrelevant) but the belief that socialism unqualified is incompatible with the fundamental freedom Mill thought to be inherent in human beings. Mill's ideal of socialism is not incompatible with any form of libertarianism, for libertarianism does not proscribe any social or institutional arrangement that is freely and voluntarily agreed upon. Just as Mill argued in *On Liberty* that we could not, consistent with his conception of freedom, choose slavery, so it would seem that we

could not consistently choose an irrevocable centralization of power.

The evolution of Mill's economic views on socialism can be traced in the following works:

1. 1829-30—*Essays on Some Unsettled Questions of Political Economy* (published in 1844 but written in 1829-30)
2. 1830—Mill on the St. Simonians (these points were made in the *Autobiography*, written and revised 1854-58, but were originally expressed in a letter to d'Eichtal, 1830)
3. 1834—review of Miss Martineau's "Political Economy"
4. 1845—review of "Claims of Labour"
5. 1848—*Principles of Political Economy* (first edition)
6. 1849—Letter to Harriet on Fourier
7. 1851—review of Newman's "Political Economy"
8. 1852—*Principles of Political Economy* (third edition)
9. 1855—*Autobiography*
10. 1865—*Comte*
11. 1869—review of Thornton's "Labour and Its Claims"
12. 1869—*Chapters on Socialism* (posthumous)
13. 1872—letter on the First International

During the early 1830s, Mill became disaffected with Benthamism, or classical liberalism. His criticism was quite simple: it rests on a distorted view of human nature, namely, the pursuit of self-interest. This is why when Mill raised the question of the definition of political economy he could chide "the mere political economist. . . who has studied no science but Political Economy" and who "if he attempt(s) to apply his science to practice, will fail."²² The false image that generates poor policy operates in two ways, in what it ignores and in what it adds. What it ignores is man's moral freedom. What it unwittingly adds is an apology for the status quo. In his critique of Miss Martineau, Mill lashed out at those who took existing institutional frameworks as a permanent feature of the human condition. Nowhere did Mill attack laissez-faire; what he attacked was the attempt to deduce laissez-faire from an inadequate view of man and the confusion between laissez-faire and what existed in current practice.

An analogy can be drawn here between Mill's rejection of the classical liberal defense of laissez-faire (not laissez-faire itself) and the classical liberal defense of democracy (not democracy itself). Just as the value and proper functioning of a free market require a different explanation and a certain kind of moral awareness, so will the operation of political democracy require a different explanation and the same kind of moral awareness. In his *Autobiography* Mill actually linked these two issues when he discussed the major change in his outlook.

During the 1840s, Mill became increasingly sensitive to and critical of the alternative views that were beginning to fill the vacuum left by the inadequacy of classical liberalism. In his important but neglected

1845 review of "The Claims of Labour," he was uncompromisingly harsh in his critique of the new philanthropy. While Mill refused to apologize for the status quo, he also saw the dangers of paternalism. He opposed reinforcing "the persuasion that it is the business of others to take care of their (laboring people) condition, without any self-control on their own part." And although he was sympathetic to "all that is good of the new tendencies, and to avoid the hard, abstract mode of treating such questions which has brought discredit upon political economists," he did wish to emphasize that "those who are in the wrong" were frequently able "to claim, and generally to receive, exclusive credit for high and benevolent feeling." What he most criticized was the "'new moral world' which the present philanthropic movement aims at calling into existence."²³ He went on to emphasize that the problem of poverty cannot be solved by "inculcating" in the working classes the belief

that their wages are to be regulated for them, and that to keep wages high is other people's business and not theirs. All classes are ready enough, without prompting, to believe that whatever ails them is not their fault, but the crime of somebody else. . . . it is one thing to tell the rich that they ought to take care of the poor, and another thing to tell the poor that the rich ought to take care of them. . . . there is no way in which the rich *could* have helped them, but by inducing them to help themselves. . . . If we go on in this course, we may succeed in bursting society asunder by a Socialist revolution; but the poor, and their poverty, we shall leave worse than we found them.²⁴

The first edition of the *Principles of Political Economy* (1848) contains the well-known criticism of socialism. Mill's objections were of two types. First, socialism is impractical. Second, socialism when imposed by the government is inimical to freedom. Again Mill distinguished between laissez-faire and the status quo and chided socialists for promoting this confusion. "The laws of property have never yet conformed to the principles on which the justification of private property rests. . . . [and there is] no necessary connection with the physical and social evils which almost all Socialist writers assume to be inseparable from it."²⁵

Laissez-faire cannot come into existence until individuals are prepared to interact with one another on a moral basis. That moral basis is not the mere acceptance of the feudal status quo, not the mindless pursuit of self-interest, and not paternalism. Most important of all, the moral basis cannot be imposed but must develop on its own. In an 1849 letter to Harriet, Mill continued to stress that socialists who favor government intervention (not a redundant expression for Mill) ignore the moral dimension. "Admitting the omnipotence of education, is not the very pivot and turning point of that education a moral sense. . . . Now Fourier, & all of his followers, leave this out entirely."²⁶ The most remarkable thing about this letter is its similarity to the same point Mill made in letters in both 1830 and 1872.²⁷ In

short, on the issue of moral libertarianism, Mill never wavered.

It is widely believed that Mill changed his views in the 1850s under the influence of Harriet, a change allegedly reflected in the third edition of the *Principles* and the *Autobiography*. The three key issues raised were distribution, efficiency, and moral pressure. With regard to distribution, Mill criticized the existing system and suggested the possibility of alternatives. But on closer inspection, the criticism turns out to be a restatement of his view that the existing system was not really an example of *laissez-faire*.

If, therefore, the choice were to be made between Communism with all of its chances, and the present state of society with all its sufferings and injustices; if the institution of private property necessarily carried with it as a consequence, that the produce of labour should be apportioned as we now see it, almost in an inverse ratio to the labour—the largest portions to those who have never worked at all, . . . in a descending scale . . . until the most fatiguing and exhausting bodily labour cannot count with certainty on being able to earn even the necessaries of life; if this or Communism were the alternatives, all the difficulties, great or small, of Communism would be but as dust in the balance. But to make the comparison applicable, we must compare Communism at its best, with the regime of individual property, not as it is, but as it might be. The principle of private property has never yet had a fair trial in any country; and less so, perhaps, in this country than in some others.²⁸

Moreover, the variability of distribution was carefully qualified by Mill himself.

. . . the proper distinction between the laws of the Production of Wealth, which are real laws of nature, dependent on the properties of objects, and the modes of its Distribution, which subject to certain conditions, depend upon human will.²⁹

This turns out to be a restatement of his criticism of the status quo, for the variability Mill stressed is in institutions and customs. There is absolutely no evidence that Mill ever contemplated centralized redistribution.

The second issue was efficiency. What Mill retracted in his argument against socialism was the general point about incentive. Mill now pointed out that time wages and fixed salaries are also detrimental to incentive. This is not an argument in favor of socialism.

With regard to the third issue, moral pressure, Mill asked an interesting question. Could a more publicly spirited society bring more moral pressure to bear on the problem of population, specifically, family size amongst laborers? This problem always plagued classical economists. Malthus and religion aside, classical liberal economists made assumptions about social relationships that prevent any pressure from being meaningfully applied. Not only is government intervention forbidden, but the psychology of egoism eliminates any way of dealing with the problem.

Over and over Mill dissociated himself from any notion of government control. He always stressed that no real improvement can be achieved unless individuals change their inner moral conception. But Mill's principled defense of liberty, as we have been at pains to point out, is not a theory of indifference. On the contrary, Mill's theory makes it possible to remonstrate, reason with, persuade, or entreat people to be more responsible—always careful, however, to avoid compelling or visiting people with evil. There is little or nothing in all of this to indicate a major shift. There is much to indicate a refining of points to stress the theory of *On Liberty*, or the theory that was to be expressed in that work.

In his 1865 essay on Comte, Mill (*a*) still defined socialism as working for the larger community, not as government control; (*b*) continued to subscribe to a laissez-faire position; (*c*) continued to insist that classical liberal defenses in terms of psychological egoism are inadequate; (*d*) still stressed the moral problems of a division of labor; and (*e*) repeated the notion that social change is as much a product of people's attitudes as are those attitudes the product of circumstances.³⁰ It is here that we can stress the distance between Mill and those economic determinists who seek to explain the moral world as a by-product of impersonal economic forces. Moral libertarianism can account for the moral dimension in a way that neither classical liberals, modern liberals, socialists, nor Marxists can.

In 1869, Mill published a review of Thornton's "Labour and Its Claims," in which he spelled out the ethics of collective bargaining in a manner totally consistent with *On Liberty*. Mill advocated a prohibition on violence, defamation of character, injury to property, and threats. At the same time, he encouraged workers to "express" their feelings against other workers who reaped the benefits of collective bargaining but shared none of the risks.

The posthumously published *Chapters on Socialism* were also written in 1869. Here again it is sometimes thought that Mill reverted a more antagonistic position now that Harriet was dead. But such an interpretation continues to miss the moral dimension of Mill's critique. Once again Mill tried to clarify the technical misconceptions on such issues as the falling level of real wages, competition, the magnitude of profits, the variability of the property institution, and the incentives to good management. Once more he stressed the danger to freedom of central planning, and once again he argued that economic institutions are not the sole determinants of the moral and social world. He repeated his crucial point that people must first be changed if we desire any meaningful changes in economic arrangements. These are the themes that Mill developed in the 1840s with Harriet and articulated in the 1850s. Once Mill's moral libertarianism is seen and understood, and once we stop viewing him as a confused and confusing liberal, the consistency as well as the cogency of his position emerges more clearly.

POLITICAL POLICY

In the previous section I interpreted the evolution of Mill's economic theory and policies as a progressive movement away from classical liberalism toward libertarianism culminating in *On Liberty*. If I am right, then we should expect to see the same evolution and the same culmination in his political views.

The development of Mill's views on political policy are well documented both in the *Autobiography* and in the secondary literature.³¹ Mill began as a radical democrat, by which he meant that he subscribed to the view that good government creates a good society and a good government is guaranteed by universal suffrage. Very early, he realized the inadequacy of this view. At first he tried to correct the inadequacy by stressing the need for elitism in some form compatible with democracy (shades of Aristotle's polity). Not satisfied with this view, Mill then passed through a conservative period during which he stressed the need for strong social institutions to serve as a check on government. The final phase of Mill's development, from roughly 1849 on, was what I call the libertarian phase:

- (a) good government is *minimal* government;
- (b) government can only be checked by a moral society;
- (c) a moral society, therefore, cannot be created by government;
- (d) neither can a moral society be created solely by social institutions (including economic ones);
- (e) only a society of individuals who recognize the importance of freedom, moral freedom, can contain government and make it work properly.

Mill's policy recommendations can be best understood from this point of view. In *Considerations on Representative Government*, he stressed the need for professional administration, but the civil service is not the holder of power. That is why this recommendation is different from Mill's early elitism. Power resides with the representatives. Instead of a return to early authoritarianism, it is a clever additional check on abuse. The issue is not whether there is to be a professional bureaucracy but what the bureaucracy is supposed to do and to whom its functionaries are responsible. In addition, the legislature is to consist of unpaid representatives. Mill's opposition, then, to radical democracy was not in the interest of authoritarianism but in the interest of restraining government abuse.³²

Perhaps the most significant switches in Mill's political policies were with regard to the secret ballot and capital punishment. Both of these switches are attributed to Harriet; if these changes can be interpreted as libertarian, then that will reinforce my claim that Harriet's influence was not in the direction of mindless modern liberalism but toward a stronger libertarianism.

What is libertarian about the open ballot? People must learn to accept responsibility for their decisions. The open vote would force the moral dimension into the open, and it is this dimension that is the only hope for a decent society. "There will never be honest or self-restraining government unless each individual participant feels himself a trustee for all of his fellow citizens and for posterity."³³ Will the open ballot guarantee this? Clearly, there are no technical solutions to moral problems. The most we can do is provide people with the opportunity to confront the moral dimension.

The analogue to this in economic policy is not just the obvious opposition to central planning but the attempt to get all participants in the economy, including the consumer, to learn to accept responsibility for what they do. You cannot have freedom in one place without having it everywhere. Freedom in the economic sphere encourages freedom everywhere else, including politics. Freedom allows for character development by training individuals to act responsibly. The entire social structure ultimately depends on responsible individual acts. Freedom creates the habit of rejecting things based on mere unexamined customary preference. Freedom reduces spiritual as well as material dependence. Finally, it loosens the feudal social structure based on paternalistic deference and hierarchical personal authority.

Mill opposed allowing a defendant not to testify, for a moral being who has voluntarily agreed to the rules should be answerable. More important still, Mill was in favor of capital punishment.³⁴ Not to enforce rules to which one has agreed is to disrespect that individual's freedom. It is Mill's counterpart to Rousseau's notion of forcing people to be free.

Finally, we should note the difference between Mill's defense of women's choosing and being responsible individuals and the modern liberal notion of a collective class entitled to "fulfill" itself in a common identity. The comparison is ludicrous. A free being needs the opportunity to risk failure as well as success, and in this sense competition is one more way in which we can exercise our freedom and develop morally.

THE EVOLUTION OF MILL'S THOUGHT

Only a philosopher who believes that people are free and truly capable of dealing with their freedom in a responsible way could advocate a libertarian social philosophy. If we are products of forces beyond our control or if only some members of society are considered capable of dealing with these forces, then a very different conception of freedom emerges. The difference between Mill and conservatism is obvious. The bad effect of mere custom is that it has prevented people from recognizing the pivotal importance of moral freedom.

The chasm between Mill and liberalism has also to be stressed.

Liberalism keeps turning freedom into some kind of means. This is the result of identifying freedom with the absence of external constraint. It is, on the one extreme, indistinguishable from license and, on the other, gives rise to paradoxical questions about the conditions of freedom. Ultimately it justifies social control on the grounds that such control liberates us. For the libertarian, freedom is not a means to anything else, including prosperity and fulfillment. If we accept this, then we may dismiss the paradox of whether individuality is a means to the social good or an end in itself for the individual. It is necessarily both. A stable society is either despotic or free; and recalling the Cole-ridge essay, if free, it requires a commitment to self-restraint or, as Mill would put it, a life of self-imposed rules.

We are now in a position to mention why Mill wrote *On Liberty*. Economic, social, and political circumstances were conspiring to transform modern society in a way that was frightening. As early as the second review of Tocqueville (1840), Mill saw that the characteristic development of commerce and industry was in the direction of larger collectives. Hence we can understand Mill's concern for joint stock companies and unions. This brought benefits, but it also brought a growing threat of the centralization of power and the potential misuse of that power.³⁵

The political circumstance that caused alarm was the increasing growth of egalitarian democracy—the focus moving more and more to rights and privileges, not responsibilities. From this point of view, it was a form of self-delusion for critics like J. F. Stephen to castigate Mill by saying that people require custom for social order and that most people are incapable of deciding issues for themselves. If unbridled democracy was a growing reality, then it was not Mill who had created the problem. He was in fact trying to head it off.

The social circumstance that concerned Mill from as early as the 1840s was the “new moral order,” by which Mill meant the new paternalism. As A. V. Dicey made clear in his classic account, the main social force that carried the transition from Benthamite individualism to collectivism was Tory philanthropy.³⁶ It was the feudal mentality of supercilious Tories who refused to understand the Industrial Revolution that fostered the doctrine of state paternalism, mindless and romantic critiques of economic change, and the reform bill of 1867. Mill, on the contrary, never romanticized either the working class or feudalism. The whole notion of paternalism was antithetical to Mill's new conception of liberty and responsibility. In the light of classical liberal crassness and Tory paternalism, Mill's ideal of “socialism” is easy to understand.

The evolution in Mill's thought is self-confessed and self-consciously documented in the *Autobiography*. Strategically speaking, the first draft of *On Liberty* was written in 1854 and the *Autobiography* (covering the period to 1851) was written between 1855 and 1858. Mill was at the same time rereading and restating the beliefs and

positions he had expressed in earlier works as seen from the later stage. There is thus every reason to believe that the position expressed in *On Liberty* was the fundamental plateau from which Mill perceived himself and wanted to be perceived. *On Liberty* is also the clearest expression of the libertarian moral perspective.

If I were to epitomize the libertarian philosophy of *On Liberty*, I would say that it stresses the moral dimension as fundamental to social, political, and economic life, and it understands the moral dimension as the freedom of the individual. That freedom consists in living according to rules that are self-imposed, not imposed by others and not imposing on others. Self-imposition has both of these dimensions, and Mill was one of the few aware of it. It allowed him to see both sides of the moral issue, something his critics miss or think of as confusion or bemoan because they at best can only see one. To take the moral dimension seriously is (a) to reject the purely technical approach to public policies, an approach that leads inevitably to despotism; (b) to attack all false images of man, especially those that ignore or undermine the extent to which human beings must accept responsibility for their actions; and (c) to explore and to embrace the consequences of human freedom. This is precisely what Mill did for the remainder of his life; he persistently pursued libertarianism.

* I wish to thank the Institute for Humane Studies for providing a nonresident summer grant that made the writing of this paper possible. I especially wish to thank Davis Keeler for his assistance and his helpful suggestions.

1. A recent book by C. L. Ten, *Mill on Liberty* (Oxford, 1980), makes a highly persuasive case that Mill's discussion cannot be understood from a utilitarian point of view.

2. For a comprehensive analysis of the designation *libertarian*, see Tibor R. Machan, "Libertarianism and the Conservatives," *Modern Age*, Winter 1980.

3. Albert V. Dicey, *Law and Public Opinion in England* (1908), p. 160n3, notes the following: "John Mill . . . entertained, though unconsciously, a sentiment in favor of equality which belongs to the school rather of Rousseau than of Bentham." Mill certainly could have acquired this view from the German metaphysical tradition that emanates from Kant and with which Mill was familiar through Coleridge. On this point, Dicey refers to a statement made by Place in 1838 (*ibid.*, p. 423), "I think John Mill has made great progress in becoming a German metaphysical mystic." Dicey cites as his source Wallas, *Life of Francis Place*, p. 91.

Dicey also says the following (*ibid.*, p. 308n2): "J. S. Mill was so convinced of the value to be attached to individual spontaneity that he, in fact, treated the promotion of freedom as the test of utility,—others such as Chadwick were prepared to curtail individual freedom for the sake of any object of immediate and obvious usefulness—e.g. good sanitary administration."

4. Sir J. F. Stephen's *Liberty, Equality, and Fraternity* (London, 1873) was an attack on *Liberty* from the point of view of older Benthamites.

5. Maurice Cowling, *Mill and Liberalism* (Cambridge, 1963); Gertrude Himmelfarb, *On Liberty and Liberalism: The Case for John Stuart Mill* (New York, 1974).

6. *On Liberty* (LLA), p. 13.

7. Mill, *Collected Works*, 10: 55.

8. "The second objection is more nearly allied to our subject. In many cases, though individuals may not do the particular thing so well, on the average, as the officers of

- government, it is nevertheless desirable that it should be done by them, rather than by the government, as a means to their own mental education—a mode of strengthening their active faculties, exercising their judgment . . .” *On Liberty*, chap. 5; LLA edition, ed. Shields (1956), p. 133.
9. See also Shirley Letwin, *The Pursuit of Certainty* (Cambridge, 1965), p. 298.
10. Mill, *Collected Works*, 18: 95.
11. Nicholas Capaldi, “Censorship and Social Stability in J. S. Mill,” *The Mill News Letter* 9, no. 1 (1973).
12. This point is made in both chapters one and four of *On Liberty* (LLA, pp. 13, 92).
13. *Ibid.*, pp. 78-79.
14. Mill, *Collected Works*, 15: 550.
15. This point is also made twice in *On Liberty*: “And it seems to me that in consequence of this absence of rule or principle, one side is at present as often wrong as the other; the interference of government is, with about equal frequency, improperly invoked and improperly condemned.” (LLA, p. 12). “. . . owing to the absence of any recognized general principles, liberty is often granted where it should be withheld, as well as withheld where it should be granted.” (LLA, p. 127).
16. Mill, *Principles of Political Economy*, bk. 5, chap. 11, sec. 1.
17. *Ibid.*, sec. 2.
18. *Ibid.*, sec. 8.
19. *Ibid.*, “a question of fact.” The same expression is used in sec. 12.
20. J. C. Rees, *Mill and His Early Critics* (Leicester, 1956).
21. Mill, *Essential Works of John Stuart Mill, Autobiography*, ed. Max Lerner (New York, 1961), pp. 115, 137.
22. Mill, *Essays on Some Unsettled Questions of Political Economy*, Essay #5, “On the Definition of Political Economy,” *Collected Works*, 4: 331.
23. Mill, *Collected Works*, 4: 364, 372-73.
24. *Ibid.*, pp. 375-76.
25. *Ibid.*, 2: 207-08.
26. *Ibid.*, 14: 22.
27. Letter to Gustave D’Eichtal (Feb. 9, 1830): “Your error is this: you imagine that you can accomplish the perfection of mankind by teaching them St. Simonism, whereas it appears to me that their adoption of St. Simonism, if that doctrine be true, will be the natural result and effect of a high state of moral and intellectual culture previously received.” *Collected Works*, 12: 49. The following was written to Georg Brandes (March 4, 1872) with regard to the First International: “Il faut que les hommes éclairés s’occupent en attendant de préparer les esprits et les caractères.” *Ibid.*, 17: 1874-75.
28. Mill, *Collected Works*, 2: 208.
29. *Essential Works, Autobiography*, pp. 146-47.
30. Mill, *Auguste Comte and Positivism* (Ann Arbor, 1961), pp. 78, 81, 162, 94-95, 103-05.
31. See J. H. Burns, “J. S. Mill and Democracy, 1829-61,” *Political Studies*, 1957.
32. There is, for example, much misunderstanding about Mill’s notion of plural voting. Mill made clear two things. First, plural voting was to accompany universal suffrage. Second, it was intended to have the function of an intellectual counterweight, not the exercise of power. “The representatives of the majority . . . would indeed outnumber the others . . . they could always outvote them, but they would speak and vote in their presence, and subject to their criticism.” *Representative Government*, chap. 7.
33. Mill to G. C. Lewis, March 20, 1859, *Collected Works*, 15: 608.
34. There is an analogy here to Rousseau, as well. For Mill’s position and arguments, see *Hansard Parliamentary Debates*, 3rd series, April 21, 1868 (London, 1868). “It is not human life only, not human life as such that ought to be sacred to us . . . We show, on the contrary, most emphatically our regard for it, by the adoption of a rule that he who violates that right in another forfeits it for himself.”
35. Mill on de Tocqueville, *Edinburgh Review*, 72, no. 41.
36. Dicey, *Law and Public Opinion*.