

Review Essays & Reviews

Mill on Liberty: A Defence. By John Gray.
London: Routledge & Kegan Paul. 1983.

Hayek on Liberty. By John Gray.
Oxford: Basil Blackwell. 1984.

John Gray has provided us with the most thorough, carefully sustained, and insightful analysis of John Stuart Mill's *On Liberty* to date. As the title *Mill on Liberty: A Defence* indicates, Gray's work provides a defense of Mill's views against the entire spectrum of the critical secondary literature. As a result of Gray's careful restatement, Mill is seen as expressing a coherent doctrine of social freedom and individual rights. Gray goes even further and reveals how the moral right to liberty is part of a utilitarian theory of justice.

Gray begins by elucidating a broader conception of utilitarianism and then locates Mill as advocating a powerful species of indirect utilitarianism. The distinguishing features of indirect utilitarianism are the denial that we pursue happiness directly and that utility in conjunction with expediency serves to evaluate entire systems. Gray further distinguishes between Doctrine of Liberty and the Principle of Liberty. The Doctrine of Liberty defines a system of moral rights within which the right to liberty is accorded priority. Gray then goes on to argue forcefully that Mill's conception of liberty is the same as or derivative from the notion of *autonomy* that flows from Jean-Jacques Rousseau to Immanuel Kant through Wilhelm von Humboldt. Thus, the principle of liberty allows interference with liberty only to prevent harm, where harm comprises the fundamental human interest in autonomy and security. This approach sheds a great deal of light on Mill's concept of man, individuality, and the higher pleasures as they are discussed in *Utilitarianism*. Moreover, there is a firm distinction in Mill between the Principle of Liberty and the principle of state noninterference in social affairs.

Gray astutely recognizes that the consistent theory of liberty as autonomy that he has extricated from Mill may conflict with Mill's Aristotelian-empiricist account of knowledge, mind, and action. To this reader, this merely reveals that Mill was a better social philosopher than he was a metaphysician

or epistemologist. What will most impress the general reader is Gray's grasp of both Mill's writings and Gray's capacity to relate social philosophy to the other dimensions of philosophy. There is a hint in this book that the defense of liberty is becoming not only more sophisticated but that it is gradually dissociating itself from quasi-Aristotelian essentialism and empiricism. This trend becomes more than a hint in Gray's subsequent book, *Hayek on Liberty*.

For those who know and respect F. A. Hayek's work in economics and social theory, Gray has provided a concise but illuminating grounding of that work in a general philosophical framework. Now that positivism and neo-positivism have begun to lose their hold on the intellectual world, we are in a better position to see and to appreciate the unique philosophical structure that informs Hayek's social, political, and economic insights. What emerges from Gray's book is an image of Hayek as one of the profound philosophers of the 20th century.

Hayek's metaphysics and epistemology are distinctive versions of post-Kantian critical philosophy. That is, Hayek both denies that we can know things as they are in themselves and he asserts that order is imposed on experience by the creative activity of the mind. Knowledge is ultimately grounded in action and is therefore best understood as the attempt to explicate the rules and norms inherent in our social activity. Here there are illuminating parallels to Ludwig Wittgenstein, Michael Polanyi, and Michael Oakeshott. Unlike Kant, however, Hayek sees the mind as evolving so that it is in principle impossible to give a definitive analysis of the structure of thought and action. This philosophical framework explains both Hayek's refinement of the Austrian School of Economics by insisting upon how the agent confers value (Copernican?) on objects rather than finding it, and it explains as well why total social planning is impossible.

In a brilliantly clear exposition, Gray outlines for us Hayek's conception of a spontaneous social order. First, social institutions arise out of human action and not design. One of the consequences of this view is that in public policy the whole notion of social technology and aggregative econometric theories (e.g., John Maynard Keynes and Milton Friedman) are misconceived. Second, practical or tacit knowledge is primary (à la David Hume). That is, successful practice always precedes theory. Hence all social criticism is immanent criticism. Third, Hayek envisages a natural selection among competitive traditions. This implies that social theorizing is a kind of explication, not the exploration of a hypothesis.

Here we can see Hayek's classical liberalism combining with conservative insights such as the necessity of a sphere of convention for the operation of liberty and the internalized moral traditions necessary for a market economy. Hayek thus rejects abstract individualism and uncritical rationalism. Here Hayek would part company with Gary Becker by recognizing how inherited social rules shape individual choices.

Gray describes Hayek's conception of law with the helpful phrase, "common law Rechtsstaat." The historically given pattern of entitlements isn't challenged by a rectificatory principle such as Robert Nozick's. Hayek rejects natural rights in favor of a procedural view of justice. In Hayek's system the Kantian test of universalizability seems to yield a maxim according equal freedom to all. (It strikes this reader as a theory closer to Rousseau than to Kant.)

Among the most helpful aspects of this book are the comparisons of Hayek to other related thinkers. In a chapter comparing Hayek to John Stuart Mill and Karl Popper, Gray makes two important observations. First, Hayek's conception of equal liberty is more favorable to liberty than Mill's precisely because the controversial notion of 'harm' itself invokes a sphere of protected liberty. Second, Hayek would reject Popper's notion of piecemeal social engineering, because it is permeated by a monistic interventionism which rests on a false dichotomy of facts and norms. Hayek's version of critical philosophy thus extends to ethics as well as epistemology.

In a concluding assessment, Gray shows how Hayek's idea of spontaneous order is compatible with liberty when it is seen that rule or order emerges from *voluntary* transactions operating within a stable legal framework. There is thus no conflict in Hayek between libertarian and traditionalist commitments when it is seen that individuality is the fruit of tradition.

Perhaps the most exciting idea in this book is Gray's suggestion that Hayek's work initiates a new research programme in social theory to replace conceptual analysis and cost-benefit research. It combines explication of previous practice and critical evaluation of the trial-and-error evolution of social practices.

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