Boris "Stuart" Johnson on Liberty

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In a recent speech, the British Foreign Secretary and leading campaigner for Brexit Boris Johnson, made extensive reference to the work of John Stuart Mill. Johnson's evocation of Mill is problematic on several levels, as is his apparently tenuous grasp of the workings of European and supra-national institutions. On the face of it, Johnson's stated desire for "self-government of the people, by the people, for the people"[1] appears eminently reasonable. Upon closer inspection, however, the contradictions inherent in Johnson's notion of liberalism readily become apparent.

The first issue that requires addressing is the pervasive notion that Britons lack control over legislation and decision-making in the EU. This is a sentiment that has been expressed extremely widely during the CBS roadshow and our research in leave-voting communities. It is also backed up by European polling data[2], suggesting Britons feel unusually disempowered vis-à-vis the institutions of the EU. On a practical level, however, the British government is an integral member of the European Council. As such, the elected representatives of the UK have a major role in European policymaking and, by dint of the UK's size, this is far larger than the vast majority of European states.

In addition, the vast majority of European laws are adopted under the "ordinary legislative procedure", which gives the European Parliament and the Council an equal right to reject or amend laws. Britons, naturally, have the right to vote for members of this parliament in regular elections and therefore have every bit as much influence on European legislation as the average French person, Italian or Spaniard.

In essence, therefore, Johnson's primary contention appears not so much to be that Britons lack democratic rights in the EU, so much as that "only the nation can legitimate"[1] obedience to laws. Belonging to such a people, or *demos*, is in his view a necessary prerequisite for this. This then begs the natural question of what a 'nation' truly is and why only nations can legitimate organs of state. In fact, when applied to the modern world (and particularly the EU), Mill's philosophy is deeply problematic.

Firstly, Mill made a fundamental distinction between 'civilised' and 'barbaric' peoples[3]. Whilst this appears jarring to modern sensibilities, including Johnson's internationalist outlook, it is crucial to understanding how his notions of liberty and nationhood can be sustained. It is this distinction that allowed Mill to argue that "it is possible for one nationality to merge and be absorbed in another: and when it was originally an inferior and more backward portion of the human race the absorption is greatly to its advantage."[4] This group, incidentally, included Welshmen and Scottish Highlanders.

On the presumption that Johnson would drop this distinction between the civilised and the savage, what remaining justification is there for 'imposing' British citizenship on the 45% of Scotland's population which clearly doesn't desire it? In fact, given that a clear majority of England's population identify as "English" rather than "British"[5], the logical corollary of Johnson's argument is

that the UK should be scrapped in favour of separate states for different nations. Where that would leave the 25% of the population who *do* identify as British remains to be seen.

In fact, Mill's arguments around liberty largely refute Johnson's own contentions. In particular, Mill espoused the harm principle – namely that individuals (either themselves or collectively) should be prevented from doing lasting harm to themselves (individuals do not live in a vacuum and thus self-harm also harms the community) or others. In essence, this would imply that insofar as Brexit might harm certain members of the community (and this might include migrants), then it would be inadmissible as a policy choice.

These same considerations informed Mill's position on 'social liberty' and his opposition to the 'tyranny of the majority'. This can underpin many of our contemporary notions of human rights – namely that certain rights are inalienable even if a majority of the population wish to strip a minority of them (one might use this as justification for opposition to the persecution of the Rohingya, for example). It also underpins many of the arguments that are made in favour of certain structural checks and balances, such as the imposition of minimum turnouts or the need for supermajorities. Such a requirement was imposed during the Scottish referendum in 1979, to cite one example.

The same notions creep into distinctions around "negative freedom" and "positive freedom", as articulated by Isaiah Berlin in his classic treatise, *Two Concepts of Liberty*. The former refers to freedom *from* something whereas the latter refers to the freedom *to do* something. Johnson appears to support a notion of freedom very much in the vein of negative freedom – Britons should be free from the imposition of European legislation. Of course, what practical implications this means is problematic. Is Johnson espousing then that freedom from EU legislation would enable the abolition of worker rights? Or environmental standards? Or food labelling laws? In contrast, one might twist this on its head and argue that a truly liberal position would support Briton's freedoms *to do* things (whether in the personal or economic spheres).

More modern treatises on the nation have sought to explain the origins of nationalism and critically deconstruct the nation[6]. Ultimately, such work has led to an understanding that nations are merely one form of identity and that, moreover, such identities are frequently fluid over time. As such, Johnson's contention that the British should cease to be part of the EU as they don't feel a sense of *demos* with all of the rest of Europe is a *non-sequitur*.

Similarly, the statement that "If we are going to accept laws, then we need to know who is making them, and with what motives, and we need to be able to interrogate them in our own language, and we must know how they came to be in authority over us and how we can remove them"[1] is not applicable. It is quite possible to interrogate MEPs in one's own language, and Britons vote for the government that sits at the Council of Ministers. In every case, it is clear who makes laws, they are widely available in English and there is recourse to the ballot box in much the same way that there is domestically.

Johnson's argument thus boils down to an assertion that the appropriate sovereign authority is the nation-state. However, what constitutes a nation and why that particular level of government should be the sole authority is not addressed. More pertinently, in our everyday lives, every single

one of us have interactions with institutions of governance on a variety of levels. This is true from our local council up to the United Nations and international companies such as Coca-Cola. In every case, agreeing to reduce trade barriers involves a trade-off between sovereignty and the ease of trade. Johnson's notion of a liberal Brexit is thus paradoxical: in repatriating sovereignty, he seeks to impose additional barriers on international movement and introduce additional frictions to trade by diverging from regulatory standards.

Sources:

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2.   TNS Opinion & Social, *Public Opinion in the European Union*, in *Standard Eurobarometer 83*. 2015.
3.   Jimmy Casas Klausen, *Violence and Epistemology:J. S. Mill's Indians after the "Mutiny"*. Political Research Quarterly, 2016. **69**(1): p. 96-107.
4.   John Stuart Mill, *Considerations on Representative Government*. 1861.
5.   Office for National Statistics. *Ethnicity and National Identity in England and Wales: 2011*. 2012 15th February 2018]; Available from: https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11#national-identity-in-england-and-wales.
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