

# НАУЧНА КРИТИКА И ПОЛЕМИКА

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## MILL AND POPPER: THE BOUNDARIES OF FREEDOM AND THE “OPEN SOCIETY”

If one takes the “modern” age as a starting point, the concentrated reflection on freedom that has proved to be probably the most influential, although not historically among the earliest, is that of John Stuart Mill. (As far as the significance and ranges of perception of such reflection are concerned, if one goes back even further, the reflections of Alexis de Tocqueville, who was in many respects Mill’s teacher, are every bit as worthy, but we will leave his theoretical contribution to the next section of this work, as an exceptional pioneering demonstration of the dangers that the development of democracy can bring.) Just like de Tocqueville’s major work *Democracy in America*, Mill’s *On Liberty*, has for its basic theme the fear of a possible “despotism of society over the individual”. Namely, thinking as a representative of the supposed third significant generation of liberal-democrat theoreticians (starting from Locke<sup>1</sup>) and continuing through Bentham and James Mill), Mill, as the nucleus of the mature phase of thought, adopts a clear view of limitations that carry with them an enthusiastic advocacy of a utilitar-

1) Locke had already written in “A Letter Concerning Toleration” (in the second book of his *Two Treatises on Government*, 1689) that freedom of thought and expression develops from freedom of conscience and religion, even demonstrating that toleration of those of different religious persuasions is in accordance with both the Gospels and with mankind’s true intellect.

ian concept of democracy in which there are two dangerous suppositions: firstly, that it is permitted to impose on the people as a whole that which the chosen majority, through their representatives, consider is for the common good (the so-called “public good”), and secondly, that it is the best way of enabling whatever the majority consider is the best (“producing the greatest amount of good for the greatest number of people”) system of representative democracy, in which the task of decision-making falls into the hands of the competent elite – which has indeed been chosen by the will of the majority. However, this will result in giving a vote of confidence to the elite, enabling them to represent the interests of the people with a completely free hand, as long as they represent them in a satisfactory way (rather like a patient displaying confidence in his chosen doctor). Mill, however, finds that such a model almost without fail results on the one hand in the political passiveness of the majority of the people, and on the other in the strengthening of a sense of obedience to authority (even if this is only to competent authority), which produces the ideal climate for the state to apply interventionist jurisdiction. Here it is crystal clear that the foundations of Mill’s skepticism exist in the tension between the will of the individual and that of the state. However, Mill’s analysis does not end here, seeing that he notices that the aforementioned model is simply the unavoidable result of the postulation of several vital chosen principles because of whose realization a liberal organization of society takes over, something that is understood to be inviolably desirable; these principles are: protection of the interests of the majority, the *a priori* assessment of well-being as an agreement as to what is good for the greatest number of people, and finally, most important of all, interests and happiness being considered primarily through economic and material status.

Mill finds that, on their own, these principles as generators of democracy are not sufficient to protect it from deviation. For this reason it seems as if, while initiating the implementation of the controlling concepts, he is also introducing *liberty* and a degree of *self-realization* of the individual. It is precisely the faithful operationalization of these concepts – through their application in interpersonal relations and above all in the relationship between government and citizens – that makes up Mill’s model of social order, but also the opposite: the liberty and self-realization of the individual are understood through the exclusive view of *sociability*, and in this sense Mill undoubtedly represents the starting point of the modern age. Man becomes a reality exclusively in society, where the modality of his liberty is actually his departure from a selfish privacy and his inclusion in a system in which he will be able to achieve the personal well-being that he himself considers desirable.

It is in this context that Mill's definition of liberty manifests itself, almost tautologically reduced to achieving well-being: "The only freedom which deserves the name is the freedom to pursue 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."<sup>2)</sup> However, although straightforward, this goal shows itself to be significant because of its second part, in which the entire construction of Mill's study appears laconically summarized, based not only on *respect*, or *tolerance*, but also on an *active regard for and encouragement of a difference of ideas and opinions among people*.

When one develops Mill's ideas about freedom even further, not only does one transcend that vulgar utilitarian dimension which his immediate forerunners accorded to freedom (the freedom of the right to possess and protect one's interests) – the affirmation of the essentiality of the freedom of the will (freedom as such) as a field whose untouchable independence must not compromise anyone's desire to possess it or harm him in any way, but one also identifies freedom in two precisely defined categories: 1) Freedom of thought, manifested in freedom of expression and declaring one's personal opinions<sup>3)</sup>; and 2) Freedom of action, which refers to the freedom of planning one's private life, outside any predetermined model or binding criteria. Because, according to Mill, "There is no reason that all human existences should be constructed on some one, or some small number of patterns. If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode".

From such a conception of freedom comes Mill's argumentation in favour of pluralism of thought as an essential condition for social progress. He emphasizes that it is actually unity of thought that is harm-

2) J. S. Mill, *On Liberty*, London, 1859, p. 20. All further quotations from Mill are from this work.

3) Here we must remember that when emphasizing freedom of thought as the basic principle of social order, Mill has notable forerunners, such as Spinoza. In his *Theological-Political Treatise*, Spinoza emphasizes that every attempt to stifle freedom of thought leads to damaging the human character, seeing that, as a result, a state arises in which people think one thing and say another, favouring such characteristics as lying, hypocrisy or flattery, or, to give it its modern name, the "character corruption" syndrome. Hence, in a free state, says Spinoza, "every man may think what he likes and say what he thinks". Preceding Mill, Spinoza also emphasizes that "it is impossible for all men to have the same thoughts about all things and for all men to say the same." and that what is more, advancement in science and art is possible only where freedom of thought exists, seeing that "only those who enjoy full and unrestricted freedom of reasoning" are able to reach a worthwhile goal. Finally, in cases where the government forcibly stifles freedom of thought, Spinoza - himself providing a revered example – considers that the only existing alternatives are braving any torture to obtain freedom of thought, or cowardly flattering one's torturer. *Theologico-Political Treatise*, London, 1670, p. 239-253.

ful, for the simple reason that the human race is not infallible, and because it follows from this that only through the direct confrontation of different points of view can the desired suitable solution be found<sup>4</sup>. "There is the greatest difference between presuming an opinion to be true, because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation." Mill develops this thesis to its final outcome, even suggesting, as a radical example, that in the case of one single man who opposes everyone else, it cannot be stated with absolute certainty that he is not right, and that, from this, freedom of thought requires that such an individual be allowed the freedom to defend his personal opinion<sup>5</sup>. Finally, Mill reminds us that history demonstrates how each individual thought is relative and depends on both the time and place in history that it appeared.

The final phase of Mill's development of his ideas on freedom is concerned with its direct implications on political life, and it fits neatly into the political programme. As we have seen, a variety of ideas is essential for development in any sphere of life, seeing that the truth about any given problem is not usually revealed until a number of possible solutions have met face to face. This rule, transferred to the practice of political decision-making, presupposes the moral obligation of all concerned to take an active part in all questions concerned with social life, which means resolutely distancing oneself from conformity and the traditional way of thinking, both of which come from relying on some form of established authority. Mill, on the other hand, is totally aware of the threat posed by majority rule which, based on being satisfied with mediocrity, sways public opinion, and by so doing advocates the equality of all participants and the careful weighing of every opinion, regardless of how many people hold it.

Logically, the same principle also affirms the existence of different classes, emphasized by the fact that their mutual antagonism at the level of thought represents an encouragement to social development. However, in order for their active contribution to be properly put into effect, it is necessary to secure the just and equal representation of all existing interests, and such a representation has to come directly from

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4) The fact is that any argument that relies on human fallibility, or on the need for mutual tolerance, is as least as old as the humanistic approach to literature. For example, Voltaire: "We are all formed of frailty and error; let us pardon reciprocally each other's folly - that is the first law of nature." Voltaire, *Philosophical Dictionary*, Paris, 1764, p. 384.

5) This refers to the best-known sentence in liberalism: "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."

representatives of the class in question. It is in this respect that Mill is the precursor of modern demands for class egalitarianism.

Furthermore, when mentioning the necessity of representation, Mill does not interpret this concept in the same way as the representatives of utilitarian liberalism; in fact it could be said that in principle his understanding of representation is diametrically opposite. Namely, while his forerunners thought of representative democracy as a static system that at the same time maintained and limited the state regulative, Mill sees in active representation simply the reflection of a deeper conceptual choice which should create a certain parallel system of decision-making that the influence of the state will extract from the majority of questions of joint interest.

It is a matter of the need - along with nurturing freedom of thought and actually depending on that nurturing of the attained degree of maturity of social tolerance - to bring about a “specific training of citizens, a practical part of the political education of free people which brings them out of the narrow circle of personal and family selfishness, gets them used to understanding joint interests and teaches them to act from public or semi-public motives”. To put it simply, here Mill attempts to suggest his variation of the solution to the crucial question of democracy, and this is the prevention of the abuse of power by the chosen representatives of the majority, or rather preventing passivity, seeing that “inertia, the lack of aspiration and shortage of desire are more disastrous obstructions to progress than any kind of badly administered energy”. So Mill sees the solution in the moral education of citizens, or the self-education of society, the aim of which is to increase consciousness of the need for cooperation – everything, of course, based on the affirmation of difference of thought and respect for everyone’s right to freely organize his own life.

Thus it seems that the last word in defence of Mill’s freedom project (whose realization is connected to social dialogue and the personal improvement of the individual within the fabric of society receiving support and not being disturbed) is of a paradoxical, utopian kind. Let us repeat: it is the moral self-education of the community as the attainment of a climate necessary to maintain true freedom. But, at the same time, is not a deep feeling of personal freedom as well as a sense of personal responsibility for the freedom of others necessary for achieving this moral self-education? Perhaps precisely because of this confusion in Mill’s teaching which, without doubt, is the noblest achievement of liberal thought, bleak consequences are lurking, consequences that today burden and compromise the ruling ideology of illiberal democracy?

Precisely because of this final question, which logically imposes itself from an analysis of Mill's understanding and from comparison with today's moment in the history of civilization, we consider it advisable to make a digression at this stage and briefly present significant modern (XX century) reactions to Mill's understanding of freedom and the principle of tolerance (liberality) that comes from it. Actually, this is not really a digression, seeing that time itself, or rather the politico-historical development of events, has created a situation in which the reconsidered range of application and common sense of the basic postulates of liberal democracy has shaped a complete one-part conglomerate with two opposing wings: one as the improved and revised basic tenets of democracy, and the other as its invalidation by its eventual successor.

As a result, considerably more important works which not only smell of Mill's testimony, but which are also in liberal-democratic society considered to be the nearest embodiment of a precisely written ideal, are those of Karl Popper. For our subject it is significant that in *The Open Society and its Enemies* (1943) and *Conjectures and Refutations* (1968), this thinker is obliged to a certain degree to retreat from the absolute validity of pluralism as a sacred principle of liberalism, establishing borders in cases when a specific opinion dangerously threatens the very postulates of democratic (open) society. In his very stern contrasting representation of the two types of society – and paradoxically it could be said to be manichaeic in places – Popper places in the preserve of the closed society all the negative sides of human nature, such as the absence of the need for or the right of free trial and leading an independent life, underestimating individualism, a decline to a tribal form of community along with the glorification of biological connections, primitive emotional relations as the community's connective tissue, intolerance towards anything new, the codification of the mentally incompetent and the factual tabulation of polemics. On the other hand, an open society is one that is composed in harmony with Popper's thesis about the gradual growth of scientific knowledge, meaning a society in which the basic leading value is the free and independent reasoning individual, seeing that only such can participate in the process of direct confrontation of opinions and suggestions, through the existing higher level of criticism and compromise.

When considering such contrasts, it is clear that Popper has to supplement (shall we say) Mill by accepting the need to veer away from absolute freedom and intervene against the diehard spokesmen for a "closed society". In other words, it is the old problem: should tolerance be taken to mean tolerance towards the intolerant, or as Popper puts it

(doubtlessly inspired by what he recognizes as rational traces of the disastrous success of Nazism): surely unlimited tolerance must necessarily lead to one's own downfall.

Popper clearly comes out for the *right* to eventually sanction such opinions provided they show themselves to be inaccessible or closed to rational justification, or, having been laid open to public opinion, they succeed in imposing themselves with their intolerant exclusiveness. For this reason, as he writes in *Conjectures and Refutations*, if the principles of unlimited tolerance were to be applied consistently, including to those who were intolerant, and by 'consistently' meaning even when the entire society of tolerant people was the direct target of the intolerant, then a situation would be reached when all tolerant individuals would be wiped out, and with them the whole principle of tolerance.<sup>6)</sup>

And so, finally, everything comes back once again to *someone's* inalienable right, above all in the name of freedom, sometimes to limit the absolute right to freedom of thought (viz. the renowned Saint-Just's declaration that there was no freedom for the enemies of freedom, after which Louis XVI was guillotined). Here, however, the equally old question must be asked: who is it that can make judgments on the misuse of freedom of thought, meaning with what specific authority (against which an "open society" is quite clearly positioned) is it decided that someone else's political commitment must be kept in check by the use of force, the despised weapon of closed societies?

Factually, Popper imposes his answer on the whole conception of his dichotomous thought, which is that there cannot be a precise answer, in the sense of addressing any kind of concrete advocate of discrete right, seeing that the acceptance of such a thing would immediately open the counter-argument of the principle of "closed-ness". Instead of this, quite understandably, Popper transfers right to the abstract "institutionalism" of the democratic movement itself, or rather to liberal legislation, or administrative law that is open to criticism, and so on. In one place, however, Popper also explicitly reaches towards the restitution of state prerogative (a state with an "open society", of course): "What I demand from the state is protection; not only for myself, but for others too. I demand protection for my own freedom and for other people's. I do not wish to live at the mercy of anybody who has the larger fists or the bigger guns. In other words, I wish to be protected against aggression from other men. I want the difference between aggression and defence to be recognized, and defence to be supported by the organized power of the state (...) I must give up my 'freedom'

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6) Karl R. Popper, *Conjectures and Refutations. The Growth of Scientific Knowledge*, New York, 1968, p. 357-358.

to attack, if I want the state to support defence against any attack. But I demand that the fundamental purpose of the state should not be lost sight of; I mean, the protection of that freedom which does not harm other citizens. Thus I demand that the state must limit the freedom of the citizens as equally as possible, and not beyond what is necessary for achieving an equal limitation of freedom...”<sup>7)</sup>

What is more striking than this roundabout attempt to avoid the essential institutional protection of freedom even in states with “open societies” (where there will nevertheless always remain the problematic possibility of the supervision of the supervisor being based on a “closed” opinion) is the force - and in his repudiating and even insulting judgments he is quite intolerant - with which Popper swoops down on those who present themselves as spokesmen for the closed society.

(“...I tried to express this in the scherzo-style of my Hegel chapter, hoping to expose the ridiculous in this philosophy, which one can only regard with a mixture of contempt and horror... I neither could nor wished to spend unlimited time upon deep researches into the history of a philosopher whose works I abhor.”<sup>8)</sup>)

After all, in the very title of his work he qualifies the unlikeminded as *enemies*. What is also interesting is the ease with which he differentiates between the theoretical infallibility of the democratic principle and its human misuse for which we ourselves are guilty (Popper considers that seeing that man is fallible, democracy will necessarily collapse – on top of this he makes this statement insisting that he is a confirmed democrat), while failing to accept the same right when considering the opinions of his enemies, judging them according to deviant consequences and independently of the context, which is quite commonly precisely the defeatist contribution of the democrat.

Furthermore, throughout his works, Popper is conscious of the truly dreadful aversion that he demonstrates towards a complete range of thinkers, continually citing the possibility that he might be mistakenly taken for someone who opposes pluralism which he, naturally, could not be. “I do not wish to be misunderstood. I feel no hostility towards religious mysticism (only towards a militant anti-rationalistic intellectualism) and I should be the first to fight any attempt to oppress it (and is he first in his argument on even one occasion? Of course he is not – on the contrary [our remark] ). It is not I who advocate religious intolerance.”<sup>9)</sup> And as an addition, it is interesting to leave readers to

7) Karl Popper, *The Open Society and its Enemies*, Vol. I, London, 1945, p. 153.

8) *The Open Society and its Enemies...* Vol. II, London, 1945, p. 491.

9) *Ibid.*, p. 308.



judge for themselves whether, for example, Toynbee falls into the category of “militant antirationalistic intellectualism” (as Popper considers it), when, convinced by the failure of humanistic liberalism to reduce wars and the heedless imperialism of leaders of democratic states, he writes: “The humanist purposely concentrates all his attention and effort upon ... bringing human affairs under human control. Yet the unity of mankind can never be established in fact except within a framework of the unity of the superhuman whole of which Humanity is a part ...; and our Modern Western school of humanists have been peculiar, as well as perverse, in planning to reach Heaven by raising a titanic Tower of Babel on terrestrial foundations ...”<sup>10)</sup> Popper’s comment on this follows: “Toynbee, if I understand him correctly, holds that there is no chance of a humanist bringing international affairs under the control of human reason...”<sup>11)</sup>

To what extent Popper’s position opposes what he understands from Toynbee’s “militant” (?) assertion – that is that “international affairs can be brought under the control of human reason” and what that bringing under control actually looks like – we can work out for ourselves with our insight into today’s global government by (neo)liberal democracy. Perhaps, looking at it from the point of view of an assessment of Popper’s supposed lack of prejudice and openness of thought, it is an interesting observation that he makes in the foreword of the second edition of his book: “...But my mood of depression has passed, largely as the result of a visit to the United States... For in spite of the present world situation I feel as hopeful as I ever did.”<sup>12)</sup> Let us remember that this was the period of the most violent escalation of the Vietnam War, as well as, let us not forget, a visit to a country which, with all its liberal tradition was also recording the success of the only almost “totally” perpetrated genocide against members of another race.

However, at the conclusion of this essay on Popper’s development of Mill’s liberal-democratic idea of freedom, perhaps it would not be out-of-place to make the observation that the exclusive way Popper deals with his philosophical forerunners is rather strange for such a great and discerning sociologically-directed thinker. He writes: “I decided to write this book when the news reached me that Hitler had occupied Austria, my homeland. However, I so despised him that I did not want to give him the privilege of crossing swords with him. Instead, I crossed swords with those great thinkers who first attacked democracy

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10) Ibid, p. 309.

11) Ibid, p. 309.

12) Ibid, p. 12.

and freedom: with the philosophers Heraclitus and Plato.”<sup>13)</sup> Is this shifting of choice, even if it is motivated by contempt (and, after all, is contempt in this context any sort of argument?), really justified? Does such a strong analogy and similarity of reasoning between Heraclitus and the modern masses that followed Hitler really exist? Is not the “set book of life” from which these masses absorbed the ideas of Nazism in fact somewhat different from the teachings of the likes of Heraclitus and Plato? In short, it seems to us quite in order, after all these observations, to ask quite frankly whether Popper’s optimism and (to put it mildly) the uncompromisingness with which he removed the adversaries of the open society from the path of progress in the name of Liberal-democratic-type freedom, are sufficiently realistic?

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13) Ibid, p. 16.

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