

Democratic philosophers who have puzzled about this question have, on the whole, been willing to abandon the doctrine of rights in such cases. They have agreed that men cannot have *absolute* freedom against the state; but, they argue, from this it does not follow that the state has absolute authority over men. A more moderate interpretation of "rights" is demanded. **Rights, in this view, are those areas that can be infringed only with majority consent—when the public welfare is genuinely at stake.** Otherwise, men may remain free to speak. This more moderate doctrine qualifies Locke's views of rights but still does not condone tyranny. **It holds that what is a right is a matter of degree.** Certain areas of human behavior can be interfered with only in times of great crisis; otherwise, they must be left untouched. This still allows men very considerable freedom within society, even if it does not allow them *absolute* freedom. In any case, freedom can never be absolute. Complete absence of control is not freedom but license. The notion of freedom is perfectly compatible with the existence of restrictions on our behavior. The real problem is what kind of restriction can be justified.

The second main criticism that has been directed against Locke's political theory concerns the notion of majority rule. In raising the question "Who should rule?" **Locke, unlike Plato and Hobbes, was on the side of the people as opposed to the few.** On the whole, this doctrine has had salubrious effects. The few traditionally have been the wealthy and the privileged, and in ruling they have worked for their own interests, or for the interests of a special class, against the interests of the

majority. **But what Locke never realized is that the majority itself can become a tyranny; it can prove to be a despotism as fierce as any monarch in submerging the minority.** Democratic government is not merely government by majority rule, it is also government in which *minority* rights must be equally protected. Unless this latter provision is stressed, rule by the majority becomes despotic, and democratic government turns into government that in practice is indistinguishable from an oligarchy. Locke emphasized majority rule as one of the basic tenets of democracy; and in so doing, he was right. But at the same time, no government can be a democracy without allowing for the protection of minorities, and it was Locke's great critic, John Stuart Mill, who completed democratic theory by emphasizing the latter facet. We turn now to a discussion of Mill.

The political philosophy of John Stuart Mill

Every student of history has been struck, at one time or another, by the paucity of civilizations that have granted political liberty to their citizens. Freedom has indeed been a precious thing. It existed only feebly in the ancient world, not at all during the Middle Ages, and even today the societies that grant it are in the minority. Most attacks upon freedom traditionally have come from the "right," from societies that have been dominated by tyrants or by small groups of people. Liberty has also been threatened from the "left," from so-called "Communist" societies. These threats, although menacing, are obvious.

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But some dangers to freedom are more insidious. They come from within democracy itself. One such is the power that the majority has in a democratic state. When this power is allowed to develop unchecked, it may lead to a form of tyranny as evil as any kind of despotism, a **tyranny of the majority over minority groups**. Mill's classic essay *On Liberty* can be regarded as an attempt to find a method for eliminating this threat.

Mill begins *On Liberty* by pointing out that he is talking about **civil liberty** (i.e., **the limits of the power of society over the individual**) rather than about freedom of the will. The question of **authority versus liberty**, like the problem of freedom of the will, is an ancient one. Originally, "liberty" was thought of in negative terms—as the protection that the subjects had against the authority of their rulers. Political thinkers conceived of the ruler as being necessary to the well-being of society, but at the same time as being dangerous to it. He/she was necessary to defend the society against external and internal enemies; but in preserving the peace, he/she might overstep his/her legitimate authority and become a tyrant. **The aim of early libertarians, therefore, was to set limits to the power of the ruler over his/her citizens.** This was to be done in two ways: (a) by a doctrine of rights, which, if infringed by the sovereign, justified rebellion against him/her, and (b) by constitutional checks upon him/her in certain important matters—such as the declaration of war.

However, with the development of democratic societies, political theorists refused to accept the position that the ruler's interest was opposed to that of the people. The ruler, in their view, was a rep-

resentative of the people, and his/her authority was revocable at their pleasure. Since the rulers were delegates of the ruled, it was not important to limit their power; and indeed, to do so was equivalent to limiting the power of the people themselves.

Mill points out that although this standpoint is theoretically correct, a study of the actual development of the institutions within democracy has shown the **practical need for certain limitations being imposed upon the powers of the government**. "Self-government" does not express the true state of the case. **The people who exercise power are not the same as those over whom it is exercised.** Not only do they develop their own interests, but they are frequently influenced by pressure groups (such as lobbyists) to work against the welfare of the people. The notion of the limitation of the power of the ruler is thus still important, even though the rulers *theoretically* are accountable to the people.

Even more dangerous than the threat to freedom from the rulers, however, is the tyranny that the majority of people may exercise over minorities. **One of the basic elements of democracy is that it allows considerable latitude to its people in behaving as they wish, in developing interests that differ from those of the majority, and in satisfying such interests.** All of this can be summarized under the name of "**individualism.**" Now the majority may develop a **kind of tyranny that prevents the development of individualistic behavior.**

This tyranny can work in two ways: (a) **through pressure upon the government** (or originating within the government) to

adopt laws that operate against idiosyncratic or nonconformist or dissenting individuals, even though these individuals may be harmless (e.g., the seventeenth-century "witch hunts" in New England), and (b) merely by the pressure of public opinion. Even though no law may exist, public opinion against a nonconforming individual may be so strong as to deprive him/her of the usual benefits of the society. In the first case, the doctrine of rights can to a considerable extent prevent the formation of laws that infringe upon areas an individual may regard as sacred and therefore inviolable (such as free speech, etc.), but the threat to him/her comes from public opinion. And public opinion is notoriously susceptible to error; it may reflect ancient prejudices, be dominated by superstition and tradition. Consequently, Mill argues, public opinion ought not to be a law that individuals must conform to, even an unwritten law. It should be possible in a properly run democratic society for the individual both to have the protection of the law against the prevailing sentiments of society, as well as to act freely in the face of majority opinion where no laws, but only customs, exist. The problem that faces any democratic state can be put this way: some types of behavior by certain individuals obviously cannot be tolerated (e.g., criminal behavior), and yet all nonconforming behavior must not be suppressed, so that the problem is to find the legitimate extent to which the majority can interfere in the affairs of individuals or minority groups that do not conform to the behavior of the majority. As he writes:

Like other tyrannies, the tyranny of the majority was at first, and is still vulgarly, held

in dread, chiefly as operating through the acts of the public authorities. But reflecting persons perceived that when society is itself the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection against the tyranny of the magistrate is not enough: there needs to be protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and if possible, prevent the formation of any individuality not in harmony with its ways, and compels all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective opinion with individual independence: and to find that limit and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism.

Mill's answer to the question "What are the legitimate powers which society has over the individual?" is as follows:

The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that 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-pro-

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tection. That the only purpose for which power can be rightly 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. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

Mill put certain limitations on this principle. For one thing, he assumed that the principle would not apply to children. Being immature, they must be guided. Similarly, certain "backward states" required paternal government. These states, if allowed self-government, would merely fall into chaos. The assumption throughout is that the principle should be applied only to mature and rational persons; but unlike Plato, who believed that only a specially trained few satisfied the requirement of rationality, Mill specifically states that in his opinion, in all modern nations all citizens have arrived at this state.

In order to show how the principle would operate in practice, Mill takes as a test case the suppression of opinion and discussion. He gives three reasons why it would be wrong to suppress any opinion. Let us consider each in turn:

First, it is wrong to suppress an opinion that the majority does not approve of because the suppressed opinion may be true. We all know of cases where the majority of people hold false beliefs; if the contrary belief is suppressed, we may never learn the truth—and this in the long run may prove harmful to us (an example of a widely held belief that was false was the belief that the world was flat). **A false opinion is frequently corrected through open discussion.** A wise person is one who will listen to all sides of a question, examine the evidence for or against each, before making up his/her mind as to which side is the true one. But if the contrary opinion to the received view is never allowed to be expressed, one will never get the chance to exchange falsehood for truth.

To deny others the right to express their opinions is to assume one's own infallibility. But no one is infallible, and if so, it is always possible that the opinion one holds in a given case is mistaken. Some might object to this point on the ground that in actual practice it is necessary for people to assume that they are not mistaken in pursuing a given course of action. If one believes that it is necessary to wage war against an aggressor, should one suspend his/her judgment? This would be impractical. Mill's answer to this objection is one of the famous remarks in the history of liberalism. He says:

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. Complete liberty of contradicting and disproving our opinion, is the very condi-

tion which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.

The second argument that Mill gives for not suppressing contrary opinion is this. Let us assume that the contrary opinion is mistaken and that we do in fact hold the true view. Nevertheless, even a true opinion can be held in different ways: it can be held openly by a mind that is always willing to change its point of view depending upon the evidence, or it can be held as sheer prejudice. Now when we hold the true opinion but are not willing to listen to contrary opinions, we hold it in the wrong way—as a prejudice. To hold an opinion in this way may be harmful, for **by reflecting upon all the arguments against it, and by thus being forced to think of ways of rebutting them, we actually come to understand our opinion more fully.** A person who fights for democracy but does not understand what he/she is fighting for could in other circumstances be fighting against it. He/she is merely reflecting the majority sentiments of the society he/she lives in without making any attempt to justify the validity of such sentiments. He/she thus may be fighting for democracy, but he/she may be fighting for it for the wrong reasons or, what is even worse, for no reason at all, except that his/her society commands him/her to do so. All this is an obstacle to future progress; **what we require in a democratic society is an enlightened individual, one who will be mature and responsible because he/she reflects upon the issues that face him/her.** If he/she does not consider the opposing opinion seriously, he/she cannot become such a person; and this is why we must

not suppress the opposite point of view without giving it a chance to be heard.

Mill writes on this point:

To abate the force of these considerations, an enemy of free discussion may be supposed to say, that there is no necessity for mankind in general to know and understand all that can be said against or for their opinions by philosophers and theologians. That it is not needful for common men to be able to expose all the misstatements or fallacies of an ingenious opponent. That it is enough if there is always somebody capable of answering them, so that nothing likely to mislead uninstructed persons remains unrefuted. That simple minds, having been taught the obvious grounds of truths inculcated on them, may trust to authority for the rest, and being aware that they have neither knowledge nor talent to resolve every difficulty which can be raised, may repose in the assurance that all those which have been raised have been or can be answered by those who are specially trained to the task.

Conceding to this view of the subject the utmost that can be claimed for it by those most easily satisfied with the amount of understanding of truth which ought to accompany the belief of it; even so, the argument for free discussion is in no way weakened. For even this doctrine acknowledges that mankind ought to have a rational assurance that all objections have been satisfactorily answered; and how are they to be answered if that which requires to be answered is not spoken? Or how can the answer be known to be satisfactory, if the objectors have no opportunity of showing that it is unsatisfactory? If not the public, at least the philosophers and theologians who are to resolve the difficulties, must make themselves familiar with those difficulties in their most puzzling form; and this cannot be accomplished unless they are freely stated, and placed in the most advantageous light which they admit of. The Catholic Church has its own way of dealing with this embarrassing problem. It makes a broad separation between those who can be permitted to receive its doctrines on conviction, and

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those who must accept them on trust. Neither, indeed, are allowed any choice as to what they will accept; but the clergy, such at least as can be fully confided in, may admissibly and meritoriously make themselves acquainted with the arguments of opponents, in order to answer them, and may, therefore, read heretical books; the laity, unless by special permission, find them hard to be obtained. This discipline recognizes a knowledge of the enemy's case as beneficial to the teachers, but finds means, consistent with this, of denying it to the rest of the world: thus giving to the *élite* more mental culture, though not more mental freedom, than it allows to the mass. By this device, it succeeds in obtaining the kind of mental superiority which its purposes require; for though culture without freedom never made a large and liberal mind, it can make a clever *nisi prius* advocate of a cause. But in countries professing Protestantism, this resource is denied; since Protestants hold, at least in theory, that the responsibility for the choice of a religion must be borne by each himself; and cannot be thrown off upon teachers. Besides, in the present state of the world, it is practically impossible that writings which are read by the instructed can be kept from the uninstructed. If the teachers of mankind are to be cognizant of all that they ought to know, everything must be free to be written and published without restraint.

The third reason for requiring that the opposite opinion to our own should not be suppressed without being heard first is that even if it is neither wholly true nor wholly false, it may contain elements of the truth. Political theories are extremely complex. A political theory we do not agree with may be mainly in error, yet it may contain elements of the truth within it, and if we do not hear such an opinion, we may lose the opportunity to discover even this much truth.

Criticism of Mill

As we have remarked previously, **Mill can be regarded as completing democratic**

doctrine. Locke set down the main elements in democratic theory, such as government by promulgated law, the doctrine of "natural rights," and, most important of all, the rule by the majority of the people. Mill added to this framework the proviso that the minority must be protected against possible tyranny by the majority. Since he did not accept the doctrine of natural rights, he attempted to justify limitations on the power of the majority on utilitarian grounds. Roughly his argument is that **interference in personal matters will in the long run prove harmful to a democratic society. The development of individual initiative and a mature citizenry will both be prevented if the majority's likes and dislikes are allowed to become so powerful that they act as unwritten laws.** This doctrine, since the publication of the essay *On Liberty*, has been accepted by most democratic theorists; but it has also been attacked on the grounds that it is impossible to put into practice.

Mill held that the majority could legitimately interfere in the affairs of the minority only when minority behavior proved harmful to the fabric of society. But this raises the difficult problem: How can we tell when such behavior will or will not be harmful? Ultimately, these critics assert, the choice will rest with a majority decision, expressed through the framing of laws by an elected legislature. Thus, in the last analysis, minority safeguards will always crumble under attack by the majority. From a standpoint of realistic politics, the minority is only as safe as the majority will let them be; and if so, there is no area of human conduct that is

(or even ought to be) immune from such interference.

Had Mill lived to answer this objection, he might have agreed with it in part. If the majority feels that an individual or group of individuals is behaving in a way that is harmful to society, it can pass laws that will restrict such behavior. Mill does not mean to deny the rightful authority of the majority in a democratic society. For example, it is necessary for the protection of the majority that we pass laws against the sale of adulterated food and drugs. But even in such cases, he would argue, the burden of proof is upon the majority to show that their interference is legitimate. They cannot justly interfere simply because they do not approve of an individual's conduct; they must show further that it is harmful to society. If this cannot be shown, the minority ought to be allowed to behave as it wishes. In practical terms, what Mill's philosophy reduces to is that **in any legal issue between an individual and the state, the burden of proof for showing that an individual's behavior is undesirable always rests upon the state, not upon the individual.** This presumption, once accepted (as it has been in Great Britain and the United States), will provide the individual with considerable security against majority interference, even if it does not guarantee him/her complete immunity.

The history of political philosophy can fruitfully be looked at in terms of the question "Who should rule?" Plato, Hobbes—and in fact most political theorists up to Locke—argued that individuals or special groups should rule. Locke, on the other hand, gave powerful arguments in favor of rule "by the people,"

where this is interpreted as rule by the majority. Mill, like Locke, believed that the majority should rule because on the whole they would be less threatening to the freedom of humankind than any single ruler or group; but even within democracy, checks must be put upon the rule of the majority to safeguard personal liberty. We now turn to a philosopher who, like Mill and Locke, wished to see the "people" rule—Karl Marx—but whose philosophy has had practical consequences that are inimical to freedom.

The political philosophy of Karl Marx

Karl Marx was born in Trier, Prussia, in 1818 and was reared in a comfortable, fairly conventional upper-middle-class atmosphere, which proved a far cry from the conditions of economic hardship in which he spent most of his mature years. He was sent to the universities of Bonn and Berlin and graduated with distinction, receiving the degree of doctor of philosophy. In the normal course of events, given this background, he might have been expected to pursue an academic career—and accordingly to have vanished into history in a cloud of cross-references and footnotes, as is the fate of most distinguished professors. But such was not the case. Even at that early date, Marx was regarded as being too radical for academic life, and consequently he chose to take a job on the *Rheinische Zeitung*, a left-wing newspaper that strongly opposed the policies of the government. When the newspaper was suppressed, Marx left Germany and went to live first in Paris and later in