

**A CRITICAL AND SYSTEMATIC ANALYSIS OF THE  
DEMOCRATIC VALUES OF FREEDOM AND  
EQUALITY**

by

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I declare that:

**A CRITICAL AND SYSTEMATIC ANALYSIS OF THE DEMOCRATIC VALUES OF  
FREEDOM AND EQUALITY**

is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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DATE:

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## SUMMARY

This study critically and systematically analyses the purported democratic values of freedom and equality with a view to clarifying the meaning of the concepts of democracy, freedom and equality; and examining the nature of the relations between kinds of freedom and kinds of equality, their association with democracy, and assessing their reconcilability within the two broad schools of democratic theory, namely, Anglo American democratic theory and Continental democratic theory. Put slightly differently, the issue is whether freedom and equality are mutually compatible or incompatible within democratic contexts. The analysis necessitates exploring the possible reason or reasons for the reconcilability or incompatibility of freedom and equality.

Hence, the arguments in democratic literature relevant to the meanings of freedom and equality, and the relations between them will be examined. The first set of arguments concern the question of whether kinds of freedom endanger kinds of equality, and conversely, whether kinds of equality erode or hamper kinds of freedom. The relation existing between freedom and equality, and equality and freedom, in both instances purport to demonstrate the tension existing between them in theory as well as in practice.

The second set of arguments concern the question of whether kinds of freedom promote kinds of equality, and conversely, whether kinds of equality further kinds of freedom. The relation in both instances is deemed to demonstrate the affinity between freedom and equality, and equality and freedom.

An attempt will thus be made to address the issue of the seemingly confusing array of meanings of democracy, freedom and equality, and the potentially problematic relations between them, and particularly those between freedom and equality as represented by the two sets of arguments within appropriate democratic contexts. The study will endeavour to examine the analytic and synthetic interplay of meanings and relations, their nature and compatibility or incompatibility, and the possible reasons for this state of affairs, in an attempt to identify and address the perceived misapprehensions concerning their meanings and relations in democratic literature.

**KEY TERMS**

Democracy; freedom; autonomy; self-government; equality; political equality; majority rule; tension and affinity.



# CHAPTER 1

## INTRODUCTION

### 1.1 INTRODUCTION

This chapter introduces the intellectual purpose of the study, the scope of the study bearing in mind that all projects have limitations, the motivation, approach and structure of the study. The topic concerns a critical and systematic analysis of the presumed democratic values of freedom and equality. Freedom and equality are often regarded as values or ideals of democracy in the literature. Democracy, freedom and equality are not only contested concepts, but their relations and interactions in theory and in practice seem to be highly contentious, as well as those between freedom and equality. As their meanings and relations appear to be analytically and synthetically problematic and confusing in the literature, an attempt will be made to shed some light on this important issue, which is fundamental to democratic theory and practice.

The focus then will be more on the analytic and synthetic empirical nature of the relations between freedom and equality, and the nature of the cognitive differences between the categories of freedom and equality. This study does not explicitly examine the relation between freedom and equality as axiological or synthetic normative categories. Nevertheless, the impression is that there seems to be a strong mutually supporting association between freedom and equality as values or axiological categories.

## 1.2 THE PURPOSE OF THE STUDY

This study then proposes an analysis of the values of freedom and equality associated with democratic theory, with a view to:

- 1.2.1 clarifying the meaning of the concepts of democracy, freedom and equality, which includes determining whether the respective categories of freedom and equality are cognitively analytic or synthetic empirical in nature, as this aspect has implications for democratic theory and practice; and
- 1.2.2 examining the nature of the relations between kinds of freedom and kinds of equality, their association with democracy, and determining whether or not they can be reconciled and/or balanced within the context of the two broad schools of democratic theory, namely, Anglo American democratic theory and Continental democratic theory. Put slightly differently, the issue is whether freedom and equality are mutually compatible or incompatible within democratic contexts. This analysis necessitates exploring the possible reason or reasons for the reconcilability or incompatibility of freedom and equality.

Hence, it is necessary to investigate the arguments in democratic literature relevant to two broad themes concerning the meaning and relation between freedom and equality. The first set of arguments concern the question of whether kinds of freedom endanger kinds of equality, or conversely, whether kinds of equality endanger kinds of freedom. The arguments purporting to show that kinds of freedom endanger kinds of equality are the limited powers of government; and the Marxist and non-Marxist critiques of liberal democracy. Conversely, the arguments attempting to demonstrate that kinds of equality endanger kinds of freedom entail the tyranny of the majority; the tyranny of public opinion; the power of popular government; and the problem of ungovernability. The relation existing between freedom and equality, and equality and freedom, in both instances supposedly demonstrates the tension existing between them, both in theory and in practice.

The second set of arguments pertains to the question of whether kinds of freedom promote kinds of equality, and conversely, whether kinds of equality promote kinds of freedom. The arguments attempting to show that kinds of freedom promote kinds of equality are efforts to reconcile freedom and equality; and the tendency to equate freedom and equality. Arguments purporting to demonstrate the opposite, namely, that kinds of equality promote kinds of freedom are the issue of freedom interpreted as autonomy; and the abstract argument of the notion of equal freedom. The relation in both cases is deemed to show the affinity between freedom and equality, and equality and freedom, both in theory and practice. This set of arguments seems to rely more heavily on definitional and logical elements than those purporting to demonstrate the tension between freedom and equality, and equality and freedom.

The analysis is necessary to establish whether tension or affinity exists between freedom and equality, and equality and freedom, and whether they can be balanced and/or reconciled. The analysis is done against the background of the two schools of democratic theory, namely, Anglo American democratic theory and Continental democratic theory, and some of their relevant variants or models of democracy.

An attempt will thus be made to address the issue of the seemingly confusing array of meanings of the terms of democracy, freedom and equality, and the potentially problematic relations between them, and particularly those between freedom and equality, as represented by the above matrix of questions, within appropriate democratic contexts. The study will endeavour to examine the purported analytic and synthetic interplay of meanings and relations, their nature and compatibility or incompatibility, and the possible reasons for this state of affairs, in an attempt to identify and address the perceived misapprehensions concerning their meanings and relations within democratic literature.

### **1.3 SCOPE OF THE STUDY**

The study then focuses on investigating the various and sometimes diverse meanings attributed to the concepts of democracy, freedom and equality and the presumed

tension or affinity existing between kinds of freedom and kinds of equality within relevant democratic contexts.

After exploring the meanings of democracy, freedom and equality, the study focuses on the nature of their relations and the theoretical arguments in which they appear, and particularly on the relation between freedom and equality within appropriate democratic contexts. Some scholars, for instance, oppose freedom to equality (see for example, Tocqueville 1966; Holden 1988) and others equate freedom to equality (see for example, Cauthen 1987; Holden 1988). In the first instance freedom entails the loss of equality (freedom conflicts with equality or leads to inequality), and in the latter instance freedom and equality are in equilibrium or somehow balance each other. These scholars appear to interpret equality in a cognitively different way, that is, in an empirical, substantive way in contrast with others who interpret equality in a formal (analytic) sense. Tension between the two concepts arise with the translation of a formal principle into practical political action. The application of one may compromise the other if demands for political action arise. Consideration is then given to the types of freedom and equality and whether certain types of freedom erode certain types of equality or whether kinds of equality endanger kinds of freedom. Conversely, attention is given to the issue whether certain kinds of freedom promote equality, and whether certain kinds of equality promote certain kinds of freedom.

Every study or project has its limitations. The limitation in this instance is the broad scope of the study, which perhaps does not sufficiently do justice to an attempted in depth analysis of the issue of freedom and equality within their democratic contexts. Although the latter is secondary and provides the background of the analysis, which cannot take place in a vacuum, democratic theory and the variants of democracy are at risk of being treated too generally and superficially. The broad scope then holds the danger of over generalisation and oversimplification. A start, however, must be made somewhere and getting an idea of the broader picture first, before identifying particular problematic aspects for further study might have merits of its own and might also present insights which would perhaps not be gained by a more focused approach. This study should then be seen more in an introductory light with the aim

of clarifying the meaning of contested concepts and attempting to come to grips with the complex relations and interactions between freedom and equality within democratic contexts.

A further drawback possibly entails not explicitly examining the relation between freedom and equality, and equality and freedom, as axiological categories.

Another drawback is that some repetition is unavoidable due to the complexity of the concepts of democracy, freedom and equality, their meanings, various kinds and the relations between them. Furthermore, some definitions of concepts impact on the types or kinds of freedom and equality, which in turn have a bearing on the relevant arguments.

#### **1.4 MOTIVATION FOR THE STUDY**

An examination of a sample of the literature on theories of democracy, and ideas of freedom and equality, amply demonstrates that these concepts are used, interpreted and defined in various and sometimes conflicting ways, depending it seems upon the purpose of the study, and the theoretical, or philosophical, or ideological orientation of the author. This state of affairs is semantically and terminologically confusing and prompted an interest in the meanings of these contested concepts since it does not seem reasonable to hold that all meanings are equally valid.

Conceptual analysis is deemed to be important as it is also reasonable to assume that concepts relate to and have root in reality. Hence, concepts and ideas may impact on and have consequences in practice. Furthermore, it is important that concepts are used correctly and precisely, and not be vaguely or ambiguously defined, or confused or equated with other concepts which may belong to another order, or level of abstraction, or category, which raises the possibility of category mistakes.

The literature attests to as many definitions of freedom, equality and democracy as there are authors or theorists supporting them. Theorists may disagree on the

fundamental characteristics of these concepts or on the way that the concepts or their constituent characteristics relate to reality. The concepts, as mentioned above, may also be defined and interpreted according to particular normative frames of reference and ideologies, thus involving a choice between these different ideas. All of these aspects are relevant to debates on the meaning of concepts, as definitions of concepts are seldom neutral.

As concepts, ideas and knowledge are expressed in language, the correct use of language is of fundamental importance. As Sartori (1984:15) comments: “Bad language generates bad thinking; and bad thinking is bad for whatever the knowledge-seeker does next”. The misuse and abuse of concepts, and the manipulation of language suffice to undermine the validity of any theory or scientific project.

A systematic and critical analysis of the concepts democracy, freedom and equality, furthermore, is deemed important in view of the conceptual confusion generated not only in the technical literature but also in political debate. In the latter instance the democratic values of freedom and equality are generally and erroneously regarded as relatively unproblematic and translatable in practice without recourse to logic and empirical precedent. Furthermore, it is assumed that the application of egalitarian measures does not detract from, erode or override freedom in important respects.

The examination of the democratic values of freedom and equality and the relations between them in theoretical argument, furthermore, is thought to be particularly relevant to the current debates on freedom and equality where, for instance, they are given constitutional recognition. Moreover, much of contemporary political and moral discourse is grounded on some assumption of equality which enjoys the status of a self-evident truth. Any challenge to equality is likely to be dismissed or not taken seriously. Such a bias reflects negatively on the discipline and discourages the freedom of the dissemination of ideas.

## **1.5 METHODOLOGICAL AND COGNITIVE CONSIDERATIONS INFORMING THE STUDY**

The forgoing sections briefly referred to different categories and levels of analysis or discourse in relation to freedom and equality, and equality and freedom. It is necessary to explicitly state the methodological and cognitive considerations informing this study. Democracy, freedom and equality, as mentioned previously, are not only complex and contested concepts, but they are often interpreted differently and placed in different cognitive categories in democratic literature. Freedom and equality particularly are variously treated as normative values, or ideals. Freedom is sometimes defined both empirically and philosophically. Equality, particularly kinds of equality, is often and implicitly treated as an empirical concept. It is also defined in a formal, analytic way. This practice of defining concepts in diverse and sometimes conflicting ways, and categorising concepts of a different logical order in the same way, raises and increases the possibility of category mistakes.

Philosophers use many methods to answer and assess philosophical questions and problems. Hence, research techniques that characterise conventional empirical techniques are not required. The philosophical method is used to address the issues raised under point 1.2 'The purpose of the study'. The term 'method' is understood here in the wide sense of encompassing analytic, empirical and normative elements, their logical interrelationship, logical analysis, the evaluation and criticism of arguments and reasons given for the ideas presented. The approach, therefore, is predominantly philosophical. Furthermore, it is accepted that logic as a mode of reasoning plays a fundamental role in interpreting human experience, which encompasses both empirical and normative dimensions. Human experience is not monodimensional, limited to the observable, but multidimensional. Political experience, like any other area of human existence, is value bound. The values guiding political action, furthermore, need not necessarily be subjective. The conceptual anarchy reigning in political science and philosophy literature may partly be ascribed to a nominalist theory of concepts, and postmodern discourse with its scepticism and nihilism. The latter particularly promotes the tendency to redefine concepts in accordance with particular intellectual and/or ideological interests.

In keeping with this approach empirical data may be used to substantiate primarily normative arguments on freedom and equality. In the light of the forgoing the various chapters contain descriptive, interpretative and evaluative elements in varying degrees.

## **1.6 STRUCTURE OF THE STUDY**

The structure of the study is outlined as follows:

### **Chapter 2: Democracy**

This chapter examines the origin, meanings and current usages of the concept of democracy, some classifications of democratic theory, particularly Anglo American democratic theory and Continental democratic theory. These two broad schools provide the background and context of the analyses of the meanings and kinds of freedom and equality. The values of freedom and equality are briefly introduced.

### **Chapter 3: Freedom**

Chapter 3 analyses the sources of confusion relating to freedom, the various meanings and kinds of freedom, including the philosophical, empirical and logical meanings of freedom, the relations between liberalism, socialism and democracy which sheds more light on the issue of freedom and briefly introduces the connection between freedom and democracy as broadly expounded by Anglo American democratic theory and Continental democratic theory. Attention is also given to the nature of freedom.

### **Chapter 4: Equality**

As in the case of Chapter 3, Chapter 4 analyses the meanings and kinds of equality, the complexity of equality and the sources of confusion, the relations between equality, liberalism, socialism and democracy as further clarification and introduction to the connection between equality and democratic variants. Attention is briefly given to the nature of equality.



**Chapter 5: The tension between freedom and equality, and equality and freedom**

Whereas Chapters 3 and 4 investigate the meanings and kinds of freedom and equality, and their respective relations to some democratic models of Anglo American democratic theory and Continental democratic theory, Chapter 5 examines two themes, namely, whether kinds of freedom endanger kinds of equality, and conversely, whether kinds of equality endanger kinds of freedom within appropriate democratic contexts. These arguments reflect the tensions existing between freedom and equality, and vice versa. The first theme considers the arguments of the limited powers of government; and the Marxist and non-Marxist critiques of liberal democracy. The second theme looks at the tyranny of the majority; the tyranny of public opinion; the power of popular government; and the problem of ungovernability. Whether freedom and equality, and equality and freedom can be balanced or reconciled is briefly considered.

**Chapter 6: The affinity between freedom and equality, and equality and freedom**

Like Chapter 5, this chapter also examines two themes, namely, whether kinds of freedom promote kinds of equality, and conversely, whether kinds of equality promote kinds of freedom, again within the relevant democratic contexts. These arguments purport to demonstrate the affinity between freedom and equality, and equality and freedom. The first theme investigates an attempt to reconcile freedom and equality, with regard to Rawls as a major exponent; and the tendency to equate freedom and equality. The second theme gives attention to the notion that kinds of equality promote freedom as autonomy; and the argument of equal freedom as presented by Cauthen (1987).

**Chapter 7: Conclusion**

Chapter 7 summarises the most important arguments and findings relating to the analysis of the meanings of freedom and equality, and the relation between them within various democratic contexts. Furthermore, some of the difficulties encountered are identified and an indication is given of possible philosophical and logical rectifications, and areas for further fruitful investigation of one of the most

puzzling and confusing philosophical problems.

## **1.7 TECHNICAL ASPECTS**

The Harvard reference technique will be used.

Mainly secondary sources will be consulted as per the bibliography. Numerous works have been written on democratic theory. Freedom and equality, however, have not quite enjoyed the same popularity. Furthermore, democratic literature in general does not attempt an in-depth analysis of the particular topic of this study.

## **CHAPTER 2**

### **DEMOCRACY**

#### **2.1 INTRODUCTION**

From generally being considered a bad or even a ‘boo’ word up to the eighteenth century, the word ‘democracy’ has approximately since the Second World War become a ‘hurrah’ word. In the Western world particularly that word has acquired the status of sanctity and assumed to be either highly desirable or a good to be achieved, irrespective of what else the case might be for societies.

Numerous books and articles have been written on democratic theory and practice. Less attention has been given to the values or ideals of freedom and equality associated with democracy; their theoretical coexistence, tensions and affinities; and whether their relationships are contingent or necessary in nature. A similar problem applies to the characteristics attributed to democracy, for example, the majority principle, universal (adult) suffrage, representative (and responsible) government. The implicit question is whether all or any of these values and characteristics are essential to or necessary for the existence of democracy. The forgoing raises various conceptual and theoretical difficulties, the problem of definition logically being the first one.

The definitional problem has several ramifications including the difficulty of assigning precise meaning to terms, classifications of democratic theory, and the strategy employed in the process of definition.

An elementary perusal of the literature on democracy indicates that democracy is a most elusive concept. Some scholars attempt a definition at the outset, whilst others give a definition after some conceptual and historical investigation. Other authors do

not define democracy and accept it as a given, assuming that the reader has insight into its meaning. This particularly applies to scholars of the empiricist school who venture into the field of democratic theory or who examine existing democracies.

The definitions of democracy are a source of confusion. Depending on the approach or ideological orientation of the author, democracy may be defined as a set of institutional arrangements, a form of government, a method, a procedure, by virtue of perceived characteristics, an end, an ideal, or some combination of these elements. If democracy is defined as a method, a procedure or a means, the questions invariably arise, “to what end?”, and “is that end desirable?” To compound the issue means or method (for example, the majority principle) may be elevated to an end in itself. Another problem relates to strategy. Should democracy be defined by examining existing democracies; or should democracy be normatively defined, prior to empirical analysis?

This chapter then focuses *inter alia* on the conceptual difficulties involved in the process of definition; definitions of democracy; an overview of classifications of democratic theory, particularly the two broad streams or schools of democratic theory, namely, Anglo American democratic theory and Continental democratic theory, which provide the context or background for the analyses of the values of freedom and equality; and briefly introduces the values of freedom and equality associated with democracy. The meanings of freedom and equality, the relationship between them and their association with democracy will be discussed further in subsequent chapters.

## **2.2 SOURCES OF CONFUSION**

In Greek ‘democracy’ literally means “‘power of the people’ that the power belongs to the people” (Sartori 1962:3). Up to approximately the eighteenth century people had a reasonably clear understanding of the meaning of the term ‘democracy’, without being in favour of it. Now everybody seems to be in favour of democracy yet nobody seems to understand clearly what the concept means (Graham 1986:1).

Problems specific to democracy arise from the change in its historical meaning. Whereas democracy previously referred to what is now understood as direct democracy, today “both direct and indirect forms are clearly included in the meaning” (Holden 1988:2).

In accordance with the practice of catachresis, “the forcing and straining of words” (Ludovici, no date: 16), the meaning of terms like democracy, freedom and equality have been broadened to such an extent that their use is vague and ambiguous. The term ‘democracy’ “has become so soiled by use that its employment on any delicate conceptual surgery carries grave risks” (Lively 1975:1). This is so because the term has wide usage in theory and practice. In practice wars have been fought in the name of democracy; and political systems claiming to be democratic are accepted as such. People’s republics, totalitarian and one party systems are now commonly regarded as legitimate forms of democracy (see for example McPherson 1969). But whether these regimes are democratic in reality is a different matter. Calling a system democratic does not mean that it is democratic.

The misuse of the term ‘democracy’ has led sceptics to believe that it has no place in intellectual political discourse. In fact democracy is not “a sensible tool of analysis or even a coherent ideal, merely a ‘hurrah’ word, a propagandist device indicating approval of whatever is the practice or policy or institution to which it is applied” (Lively 1975:1).

Without attaching any definite meaning to democracy it has been used to incite emotion, warm feelings of approval, of the good for mankind by propagandists, politicians and ideologues. Ludovici (no date: 20) stresses that abstract and general terms “which no longer have any definite meaning, or which have acquired an utterly misleading meaning, do provoke emotions and feelings which are none the less harmful for being indefinite and vague”.

Ambiguity is fostered by the near universal approval of the term ‘democracy’ – few people would care to take an explicit stand against it; and the practice of applying the term to polities that have few characteristics in common. Another source of

ambiguity identified by Lively (1975:3) is that democracy is used to describe existing political systems whilst retaining its ideal connotations. This further exacerbates attempts to clarify or to define the term. It is not clear how the problem should be addressed. Should political scientists for instance try to define the ends or purposes of democracy and suggest the institutions necessary to achieve those purposes; or should existing democracies be examined to give answers on the nature, purposes and functioning of democracy?

Since the Second World War positivist and behaviouralist political scientists have pursued the second strategy, leaving aside important issues – regarded as being within the domain of philosophy – like the critical evaluation of existing democracies including recommendations for their improvement, and the desirability of extending democratic practices or democratising existing regimes. There is also the tendency to overlook the fact that any definition of democracy reflects (implicitly or explicitly) a commitment to some ideological or value position. This strategy tends to encourage the view that value laden terms and concepts, that is, their meaning, are relative to time and place, thus avoiding the problem of definition.

Holden (1988:2-3) argues that disputes about the application of the term ‘democracy’ need not involve dispute about its meaning. For instance, it might be agreed that democracy means ‘government by the people’, but there might be disagreement about whether that meaning actually applied to, say, the former USSR. An assertion that it did would obviously be false. The point is that it could not be said that the assertion was false if the term ‘democracy’ was meaningless. The difficulty with Holden’s view is that it is far from clear in what sense democracy is government by the people. Democracy stands for or represents something, that is, it has empirical referents. There is usually little correspondence between the abstract definition, despite its meaning being agreed upon, and the facts which hardly promotes understanding what democracy actually is.

Another source of confusion is the so-called definitional fallacy, the belief “that the meaning of ‘democracy’ is to be found simply by examining the systems usually called democracies” (Holden 1988:4). This “involves the absurdity of being unable

to ask whether Britain and America *are* democracies: if ‘democracy’ *means*, say, ‘like the British political system’ we cannot ask if Britain is a democracy” (Holden 1988:4).

The definitional fallacy can be avoided by viewing the definition of democracy as a specification of an ideal system. The extent to which existing polities approach the ideal can then be assessed. Dahl (1956) used the concept ‘polyarchy’ as an approximation of democracy. No polity fits the ideal and so polyarchies and not democracies exist in reality (Holden 1988:4). However, changing the concept ‘democracy’ to ‘polyarchy’ arguably does not resolve the problem of definition, namely that “the *thing* democracy is not described properly by the *word* democracy” (Sartori 1962:12).

Given this difficulty, how should democracy be defined? Sartori (1962:220) contends that historical evidence shapes and tests definitions. Although there are many possible interpretations of democracy, “our freedom to select among the logically possible or conceivable kinds of democracy is further restricted by historical evidence. And this means that the definition of democracy is, to a great degree, a matter-of-fact definition which is arrived at by examining what happened to possible democracies” (Sartori 1962:220).

Although Hallowell (1954:50-51) does not deny the importance of description in definition, “[w]e do not derive concepts like democracy from political experience, but we use such concepts to understand political experience”. Lively (1975:146) again argues that democracy cannot be defined “by gazing at the real world, no matter how meticulous the inspection. And theories of democracy, although they can be tested by empirical investigation, cannot in the last resort be derived from it. Even to identify what are to be the objects of empirical research, we must have in mind some notion of what the operative principle of democracy is. That principle ... is political equality ... Democracies are those systems which at least comparatively approach a situation of equality”. The notion of equality, however, is for Holden (1988:11,45) one of the secondary meanings of democracy, the primary meaning being ‘rule by the people’. The primary meaning should be distinguished from the

secondary meanings of democracy. According to a secondary meaning “democracy is necessarily a society in which there is equality” (Holden 1988:11; see Chapter 4, section 4.5.1). The primary sense implies that equality will exist in a democracy. In a secondary sense democracy means a society in which equality (political, social and economic) exists. The association of equality with democracy is, however, not without problems. It has, in Lively’s (1975:8) words, prompted “an extended use of the term, democratic, covering any application of the principle of equality”.

Graham (1986:7) follows a similar approach to Lively (1975) by investigating democracy in terms of ideas and conceptions, contrary to the empirical (descriptive) method followed by Schumpeter in 1943 and Dahl (1956). Empirical theorists are unable to produce a complete theory of democracy because “[n]ot everything about democracy could be an empirically discovered fact: at some point, philosophical assumptions have to be made or argued for” (Graham 1986:7-8). This means that if an empirical claim is to be made that some object has a certain attribute then a person must have some prior assumption, idea, or means of identifying that object. (However, this does not mean that the process of knowledge is subjective – determining the truth status of any empirical claim requires the correspondence of that claim with the relevant facts.) Moreover, many assumptions are uncontroversial and enjoy universal agreement. But this is not the case with democracy because it “is a more diffuse subject” and “there are rival and incompatible ways of identifying it” (Graham 1986:8). For instance, which democracies are actually democracies – the liberal democratic variant of Anglo American democratic theory or the people’s democracies of Continental democratic theory? (See section 2.5 further on.) Identifying a democracy relates again to the problem of definition.

Graham (1986:8-9) ascribes rival views of democracy to the normative component of the term. Calling a regime democratic is not merely to describe it but also to express a favourable attitude towards it.

The interrelationship of facts and values makes definitions of democracy doubly problematic. According to Sartori (1962) democracy requires both a descriptive and a prescriptive definition. The one cannot exist without or be replaced by the other.



Although ideals and reality interact democracy cannot materialise without its ideals, and without a factual basis democratic prescription is self-denying. The distinction between the two should not be confused “because the democratic ideal does not define reality, and vice versa, a real democracy is not, and cannot be, the same as an ideal one” (Sartori 1962:5). However, if democracy is defined unrealistically, the possibility exists that all “real democracies” would be rejected (Sartori 1962:5).

Another possible source of confusion relates to the distinction between defining characteristics (words are applied correctly to objects) and necessary conditions (certain things must be present for the existence or continued existence of objects) in definitions of democracy. If this distinction is recognised the meaning of democracy is “much less vague than is often supposed” (Holden 1988:3).

This distinction need not present a problem except that correctly applying a word to an object (in the absence of some fundamental or distinguishing characteristic) does not indicate the difference between differing objects belonging to a similar class. For example, the concepts of representative government and regular elections as so-called defining characteristics of democracy might as well apply to forms of autocracy. However, in the case of democracy confusion exists because “disputes about necessary conditions can *seem* as if they are disputes about defining characteristics” (Holden 1988:3). Once the nature of the disagreement is realised, there is no basis for dispute about a definition. “For example, disagreement about whether democracy requires a certain degree of popular participation might appear to be disagreement about defining characteristics. But this need not be so: such disagreement may well be about whether democracy can exist – or continue to exist - in the absence of such a degree of participation” (Holden 1988:3-4); assuming of course that there is agreement on what democracy is or means when it exists.

Even if it is accepted that disagreement about the definition of democracy involves disputes about things related to democracy, and that there is nearly universal agreement on the definition, certain problems still arise. Firstly, the meaning of democracy has changed historically. There might be agreement on its etymological meaning, but presently “the word democracy no longer has one generally accepted

basic meaning” (Sartori 1962:7). Secondly, defining characteristics and necessary conditions may well overlap or be regarded as both characteristic and necessary. For example, if democracy means ‘government by the people’, universal suffrage or a high degree of popular participation would logically be a defining characteristic as well as an empirically necessary condition for the existence and maintenance of democratic government. To complicate matters popular participation could also be a logically necessary condition (see Holden 1988).

Defining any complex concept is a difficult process with many conceptual and methodological pitfalls. Some scholars, however, are optimistic that once the nature of definitional problems are understood and avoided “definition becomes relatively straightforward” (Holden 1988:4), whilst others are of the opinion that initially “there seems little difficulty in defining democracy” but “merely to state the simple definition is to run immediately into a host of definitional ambiguities” (Lively 1975:8). Some of these ambiguities will be looked at in section 2.3.

### **2.3 THE MEANINGS OF DEMOCRACY**

All theories and by implication definitions of democracy fall into two broad categories. In the first, democracy is described as a form or method of government, the system of political policy making. In the second, democracy is equated with the quality of life, ethical purposes, and the content of political policies. The two categories are interrelated, but it is possible to distinguish analytically between them (see Mayo 1960:32). In accordance with this distinction democracy is variously viewed as a form of government, a set of institutional arrangements, a method, a means, an end or an ideal, or any combination of these elements.

These definitions, however, according to Graham (1986:12) have a drawback as they beg the question “in favour of one particular claimant to the title of democracy at the expense of others, and it would not afford us the best route to an insight into the rationale behind the concept. There is a *basis* for the familiar usage of ‘democracy’ and it must be unearthed”.

Thus it is reasonable to commence with the literal or etymological meaning of democracy.

### 2.3.1 Democracy as the rule of or by the people

According to Holden (1988:5) the term ‘democracy’ was “first used in the fifth century BC by the Greek historian Herodotus; it combined the Greek words *demos*, meaning ‘the people’, and *kratein*, meaning ‘to rule’”. Etymologically the definition of democracy is “the rule of the people” (Sartori 1962:17).

The meaning of the ‘demos’ or the people, however, is not clear:

Even in Greek the term was not free from ambiguity. *Demos* in the fifth century B.C. meant the Athenian community gathered in the *ekklesia*. However, even thus defined, *demos* can be reduced to *plethos*, that is, the *plenum*, the entire body; or to the *polloi*, the many; or to the *pléiones*, the majority; or to *óchlos*, the mob ... And the moment *demos* is translated into modern language the ambiguities increase. The Italian term *popolo*, as well as its French and German equivalents (*peuple*, *Volk*) convey the idea of a singular entity, whereas the English word *people* indicates a plural. In the former case ... *popolo* denotes an organic whole which may be expressed by an indivisible general will, whereas in the latter case to say ‘democracy’ is like saying *polycracy*, a separable multiplicity made up of each other (Sartori 1962:17-18).

Thus Sartori (1962:18) identifies at least five different interpretations of ‘the people’:

1. people meaning an approximate plurality, just a *great many*
2. people meaning an integral plurality, *everybody*
3. people as an entity, or as an *organic whole*
4. people as a plurality expressed by an *absolute majority* principle
5. people as a plurality expressed by a *limited majority* principle

The first meaning may be rejected on the ground that the great many cannot be used as a criterion. Each case would require separate examination. The second interpretation may be dismissed on the basis that everybody represents a strict

standard whereby no democracy has or will exist. In the third instance of people as an organic whole (an interpretation adhered to by Marxist socialism) the individual is reduced to virtually nothing. People regarded as an organic whole can justify tyranny – in the name of the whole anything can be done to the individual or to everybody. It is doubtful whether this meaning is relevant to democracy. According to the fourth meaning only the majority counts. Although the people have an absolute right to impose their will on minorities, and while this seems acceptable from a democratic point of view, a democracy organised in this way cannot work in the long run. Minorities may be in a position eventually to prevent the majority from returning to power (assuming that regular elections are held). The fifth interpretation of a limited majority means that even the minority counts. This meaning of people seems most acceptable as it recognises majority rule whilst protecting minority rights. Majority rule is limited by minority rights (Sartori 1962:18-19).

An analysis of the meaning of the people also involves the problem of historical referents. When the term “demokratia” was first used, the people comprised the “demos” of a “polis”, a small cohesive community functioning as a collective decisionmaking body (Sartori 1962:20). Even in ancient Athens, usually regarded as the archetypal and original democracy, the people included only a small minority of the adult population. Women, slaves and aliens were excluded (Holden 1988:8).

Obviously the original, literal meaning of ‘demos’ is historically no longer applicable. The concept of people no longer applies in its original sense; it does not designate a real community, but an abstraction or a logical construction. Furthermore, the people of a ‘polis’, or of the medieval communes, the third and fourth estates of the “ancient regime” no longer exist. In any tangible sense the concept of people is obsolete and anachronistic (Sartori 1962:20).

Not only has the meaning of the people varied historically, it generally referred to a set of people. From Aristotle’s time the people was interpreted as the poor. This meaning also applies to Marxist-Leninist ideas where democracy is equated with the dictatorship of the proletariat. It is also reflected in anti-democratic writing where the people often refer to the mob. By contrast the people sometimes meant the middle classes, those who were property owners, and not the poor.

Today the people refers to an unstable, atomised mass society, entirely different from the referents on which ancient democracy and its variants, the medieval communes were based (Sartori 1962:21). Even in modern societies the people does not refer uncontentiously and unambiguously to everyone. Even if the people refers to everyone there is still the problem about which section of the people is meant (Harrison 1993:4).

It might be agreed that the people means all adult members (or citizens) of a society. In Holden's (1988:10) view this is the primary meaning of the people. Conceptions of the people as the poor or the common man constitutes the secondary meaning. However, if the people refers to all members of the adult population it means that certain groups of people are excluded, for example, children under eighteen years of age, criminals, the insane or mentally incompetent. It is also possible to envision the exclusion of minorities (women, ethnic groups) or even a majority, as the people need not necessarily mean the many or the majority.

The question may then be asked whether the use of the term 'the people' is arbitrary. Holden (1988:8-10) argues to the contrary by pointing in the first instance to the historical change of meaning involving the growth in demands for universal suffrage. Whereas previously the people tended to refer to particular groups or even minorities, the term now encompasses nearly the whole of the adult population. Secondly, the reasons for enlarging the meaning of the people is related to the view that as many as possible members of a society should take part in the making of important or basic political decisions, excluding – and there seems to be some agreement among democrats – children, criminals and the insane. Thirdly, the democratic conception of the people involves the common ground shared by liberal, non-liberal, and even anti-democratic theory which is the notion of the supreme authority of the people. Admittedly there are different interpretations of the people in these theories. In liberal democratic theory the people means a collection of individuals. Non-liberal democratic theory views the people as a corporate entity, embracing the whole of society and including all individual members – present, past and future – as well as culture, structures and institutions. This notion of the people also occurs in anti-democratic theory.

A further problem related to the people arises when consideration is given to the meaning of rule in the definition of democracy as rule of the people. According to Sartori (1962:26,27) Lincoln's description of democracy (during the Gettysburg address in 1863) as "government of the people, by the people, for the people" defies analysis. The phrase 'for the people' presumably means rule for their benefit or in their self-interest. 'By the people' lacks clarity. If the whole of the people is meant, whole populations have historically never ruled, although more and more groups have been included in the political process in modern times. Nevertheless Graham (1986:13) considers rule by the people distinctive of democracy as in a certain sense government is always of the people and even a despot, benevolent or otherwise, or an oligarchy might claim to govern for the people.

The phrase 'rule of the people', or 'government of the people' then has various meanings, including:

- (i) ... a self-governing people, a direct democracy;
- (ii) conversely, that the people are the object of government, that they are governed;
- (iii) that the government belongs to the people, whatever this 'belonging' may mean;
- (iv) that government is chosen and guided by the people;
- (v) that government emanates from the people in the sense that it derives its legitimacy from the people's consent; and
- (vi) that the government is responsible to the people (Sartori 1962:26).

Lively (1975:30) lists the following meanings of 'rule of the people':

1. That all should govern, in the sense that all should be involved in legislating, in deciding on general policy in applying laws and in governmental administration.

2. That all should be personally involved in crucial decisionmaking, that is to say in deciding general laws and matters of general policy.
3. That rulers should be accountable to the ruled; they should, in other words, be obliged to justify their actions to the ruled and be removable by the ruled.
4. That rulers should be accountable to the representatives of the ruled.
5. That rulers should be chosen by the ruled.
6. That rulers should be chosen by the representatives of the ruled.
7. That rulers should act in the interests of the ruled.

These meanings raise a host of issues concerning the relationship between the rulers and the ruled, including elections and representation, the method of decisionmaking, and the nature and purpose of government. At a basic level these meanings point to a distinction between direct and indirect or representative forms of democracy. The question arises as to which is the correct interpretation for a regime to be called democratic. In one sense rule applies to a direct democracy where the people rule by making all their own decisions; in a second sense rule is applicable to an indirect or representative democracy where the people rule by electing a number of representatives who make decisions on behalf of the people. In practice, however, the first interpretation that all should be involved in decisionmaking is appropriate to small communities, organisations or associations. Even so there are bound to be exclusions. It raises insurmountable difficulties in large, complex industrialised societies. For reasons of efficiency and economy, rule in the second sense of representatives making crucial decisions and/or being accountable to the people for decisions made, might be preferred.

In what sense can the people actually be said to rule? It can be said that people rule or govern only during elections which constitute the link between the rulers and the ruled. However, the difficulty is that “elections are a discontinuous and very elementary performance. Between elections the people’s power remains quiescent, and there is also a wide margin of discretion between elementary choices and the concrete governmental decisions that follow” (Sartori 1962:73).

The notions of election and representation in either of the two senses of rule, while regarded as necessary conditions of democracy, cannot be considered particular or unique to democratic rule. The introduction of universal suffrage was the result of a lengthy and gradual historical process that had taken place in constitutional monarchies. These monarchies may well be viewed as democratic insofar as political power resided in the people's representatives and not in the monarch. Conversely, the democratic process was incomplete as the people's representatives were elected by a limited franchise. As the franchise was extended, governments became more democratic. If only those regimes with universal suffrage were to be called democracies then democracy as presently understood is a very modern phenomenon (Ross 1952:7).

Representation, however, need not be democratic. The groups of people represented need not constitute the whole of the ruled. Even in cases where the whole of the people are represented this need not involve them in decisionmaking. For example, in medieval times the monarch represented the people and made political decisions. The notion and practice of representation predates theories of representative democracy. According to democratic theories of representation the whole people are represented and they also elect their representatives. Representatives, moreover, need not be selected by elections. (An indirect or representative democracy in this case would require alternative mechanisms like referenda.) In the Greek democracies officials were chosen by lot (Holden 1988:51).

It seems that the sense of rule may vary according to context, raising the issue as to which interpretation should be followed in a particular context. Particular problems pertain to which appropriate democratic procedure to follow, the normative issues of the consequences of particular decisions and the effect on groups who for instance had no say or influence in the matter, and whether decisions taken are in accordance with democratic norms or ideals. The interpretation of rule may be applied in different ways, depending on the context and type or scope of the problems presented, decisions to be made within governmental institutions, the size of the regime itself or the type and size of a community or some other organisation.



Holden (1988:5) purports to overcome the ambiguity and difficulty of phrases like “‘government by the people’ and ‘rule by the people’” occurring in definitions of democracy by offering a definition of democracy which allows certain “‘escape clauses’” to “‘cover’ variations of meaning” (Holden 1988:6-7).

Democracy is defined as “a political system in which the whole people, positively or negatively, make, and are entitled to make, the basic determining decisions on important matters of public policy” (Holden 1988:5). The phrase concerning entitlement means that people are not entitled to use insurrection, threat of riots to force rulers to accede to their demands, although these may be considered basic determining decisions of the people. Entitlement inheres in a constitution or some set of basic norms which authorise people to make basic determining decisions. Entitlement however, is not sufficient. A democratic system is one in which people are not only entitled to make basic decisions but actually make them (Holden 1988:5-6).

This requirement of democracy raises difficulties. Whether people are entitled to make basic political decisions and whether in practice they do, or the extent to which they do, are entirely a different matter. It is an open question whether and to what extent public policy is initiated by the people or whether they merely respond to policy proposals. Theoretically, however, according to Holden (1988:7) the words ‘positively’ and ‘negatively’ covers “a gradation of views” from people actively initiating policy proposals to only responding or even to consenting to proposals.

Basic decisions refer to important public policy matters. There are various gradations of views here as well. On one side of the spectrum people decide on few matters, for instance the appointment of governors and the broad outline of their policies, and on the other they decide on everything except routine matters by means of devices like referenda (Holden 1988:6,7). The question as to what is regarded as important and by whom represents another difficulty. A further problem relates to the body that makes the important decisions. In a democracy power or authority is vested in the people (who they are remains unresolved) – the people are sovereign. The term

‘sovereignty’ and the distinction and relationship between ideas related to sovereignty like power and authority presents further conceptual difficulties. These notions concern the relationship between being entitled to make important policy decisions and actually making them (see Holden 1988:6,7).

Communist systems appropriate the term ‘democracy’ on the basis of the first meaning of rule (see Lively 1975:30), namely, that all should rule or govern. Democracy is associated with class government – rule by the poor and oppressed, or in their interests. Marx was a democrat in this sense. The proletarian state or the rule of the many, would be a class government dedicated to the interests of the many, but with the explicit aim of destroying capitalist ownership of the means of production (Lively 1975:35).

In the Marxist interpretation of the phrase ‘government by the people’, the terms ‘government’ and ‘state’ both refer to a “public power” (Jessop in Hunt 1980:5-6). In the development of the division of labour the public power emerges and has certain essential functions in its coordination. This power transforms itself in two ways. On the one hand, it changes through concentrating public functions in specialised political bodies with a permanent staff, thereby separating state and society and producing a possible contradiction between people and public officials. On the other hand, public power changes through consolidating the relations of production based on one class appropriating the surplus labour produced by another class. “The public power is thereby over determined in its structure and operation by class relations and practices and thus expresses the contradiction between the exploiting and exploited classes” (Jessop in Hunt 1980:56).

Class relations are based on the relations of production, whilst political domination constitutes the ground for public officials-people relations. The people refers to those who are subject to state intervention and domain of public officials constitutes the agents of intervention. This then implies a potential contradiction between them based on their different political roles and their respective ideologies (Jessop in Hunt 1980:56).

In one sense democracy exists insofar as the people and the officials merge. Thus the people govern themselves and self-government transcends the separation between society and state. (This is the classic Marxist view on real democracy.) In another sense the people effectively control public incumbents, despite the separation between state and society, via representation and accountability (Jessop in Hunt 1980:57).

### **2.3.2 Democracy as a form of government**

Democracy is generally defined as “the form of government in which the political power (sovereignty) rightly belongs to the population as a whole and not merely to a single person or a particular limited group of people” (Ross 1952:79). This definition is vague. The defining characteristic is not clear. If an existing constitution were examined in accordance with this definition, it would hardly be possible to ascertain whether the constitution is democratic or not (Ross 1952:79).

The meaning of political power or sovereignty is not clear. Power is intangible and can only be understood within the context of individual political acts (for example, legislative acts, administrative decrees, ordinances at all levels of government). Such acts are implemented by organs of state and people as a whole do not determine the content of legislation. Power resides in the people (as a whole) only in the sense that they elect members of the legislature considered to be their representative. The question now arises as to what are the requirements of the legislature being the people’s representative. The notion of representation is based on regular (parliamentary) elections. Election by itself does not create representation, as autocratic leaders can be elected. It could happen, in a democracy, that election periods are gradually extended or that a mandate is given only once, and thus the number of representatives might be reduced to one person. This is still regarded as a democracy “because the supreme power is still sanctioned by a popular mandate” which is regarded as the basis of sovereignty (Ross 1952:81). Authoritarian and totalitarian political systems claim to be democracies on this basis. For Sartori (1962:23,25) election produces representatives only in the sense if those elected and

the electorate consider themselves responsible to the broad electorate. But this is also not sufficient – unless the elections take place in free conditions, leaders responsive to the will of the electorate cannot be produced. If elections are not free, representation is hardly likely to be genuine. Political systems may, however, be considered democratic to the extent that the people are effectively able to exercise legal control over their representatives, for instance, through elections.

The notion that the whole people, according to the definition, possess political power also has variations. The logical requirement that all people equally exercise political power via elections does not hold in practice for various reasons. Because of the inequality inhering in the electoral process, polities may be regarded as more or less democratic, varying from an ideal type to more aristocratic forms (Ross 1952:86).

The forgoing problems and ambiguities tend to obfuscate the distinction between democracy as defined and other democratic forms or regimes claiming to be democratic.

### **2.3.3 Democracy and the majority principle**

Whilst it appears that no particular kind of institutional arrangement can be regarded as uniquely democratic, Lively (1975:51) argues that “[a]xiomatically, no system which debar[s] the mass of non-rulers from playing any part in the process of decisionmaking can be deemed democratic; and no ‘definition’ of democracy that excludes such a role is tenable”.

The fundamental importance of the majority principle as a defining characteristic of democracy is also emphasised by Ross (1952:94):

Indeed, democracy indicates ... not a quite definite form of government having definite characteristics but something fluid determined in relation to an unreal ideal type. The answer must be that we attach ourselves to the principle that is the measure of the degree to which a form of government is democratic; this is the principle that political decisions are determined by the will of the majority as expressed through the vote, or in short, *the majority principle*.

There is some ambiguity in discussions of the majority principle. A distinction should be made between statements of a procedure or method for making decisions such as when decisions on policy alternatives are to be reached, those alternatives gaining the most votes should be selected; and statements about rule by a certain group who constitute a majority (Holden 1988:40).

Lively (1975:10) puts the distinction in the following way:

If the majority principle is the defining principle of democracy, then presumably, for a system to be democratic, firstly the decision-makers must comprise a majority of the community and secondly the procedure to be followed by the decision-makers must be that the preferences of a majority of them decide.

Both Sartori (1962; 1987) and Ross (1952) identify the majority principle as a procedure; whilst Lively (1975) regards equality as the operative principle of democracy. For Ross (1952:111) “[t]he majority principle is the formal, the legal, criterion of democracy”. Democracy as a political method expresses itself through the majority principle (Ross 1952:108). According to Sartori (1962:164) “the foundation of all political systems is to be found in the procedure which is followed to settle controversies and discipline inter-personal and inter-group relationships. Society can exist insofar as there is an ultimate preordained criterion allowing of no appeal, which is called upon to resolve its conflicts”. This procedure is the majority principle, but it “is *not* the founding principle” (Sartori 1987:269). In a democracy the procedural basis or ultimate criterion is the axiom “[t]he people are always right” (Sartori 1962:164). In reality though, the people are not always right.

The *majority principle* is also used in the electoral sense as “the principle that whoever votes with the majority, or as the majority votes, is on the winning side”, and *majority rule* in a constitutional sense as the problem of the protection of the right of a minority or the opposition in parliament, and as the problem of the potential tyranny of the majority over the minority in the legislature, or the tyranny of the legislature over the executive (Sartori 1962:100). (See Chapter 4, section 4.5.1, and Chapter 5, section 5.3.1)

As stated previously, various majorities may be excluded from citizenship of a community, as well as minorities on the grounds of, for instance, low intelligence, cultural backwardness, insanity and criminality. This aspect cannot be resolved by referring to the majority principle, except “by implication; the democratic case has not been that the majority of a given community should rule but that citizenship should be granted to all the politically competent and that competence should be assumed unless there are strong grounds in individual cases for exclusion” (Lively 1975:12).

It seems that the majority principle cannot be regarded as the basis for delimiting the boundaries of citizenship. Should the majority principle then be seen as a procedural principle or rule peculiar to democracy? This cannot be the case as the problem of how decisions are reached is applicable to all political systems, past and present. It might be argued that the majority principle, while not unique to democracy, is particularly appropriate to democracy because it ensures political equality in the sense that all people should be citizens and those citizens should enjoy equality in their capacity to make decisions (Lively 1975:13,50).

Lively (1975:13-14) lists several decisionmaking procedures purported to ensure equality of participation. These procedures are the unanimity procedure (all voters must agree, one dissident would effectively veto any decision); the stipulated majority procedure (some stated majority varying from an absolute majority where more than two alternatives are proposed, to a majority where there are only two alternatives, to a majority just falling short of unanimity, with minorities having a veto over decisions); the minority procedure (the alternative gaining the smallest number of votes wins); the interested minority requirement (particular minorities decide in particular areas and different minorities decide in different areas); and lastly, the simple majority procedure (the alternative gaining the most votes wins).

It is doubtful whether a majority decision can be seen as a decision of the whole people or a near approximation of it. “The majority-is-nearer-to-being-all argument rapidly loses its plausibility as soon as the majority ceases to be overwhelming: 999 people out of a group of 1,000 is indeed very nearly the whole group, but there is no

sense in which 501 people can be counted as the whole” (Holden 1988:40). (See Chapter 4, section 4.5.1).

None of these procedures necessarily guarantees that a decision will be reached. In all of these procedures circumstances may arise in which they cannot be applied (see Barry in Arthur 1992:63). This applies most obviously to the unanimity and stipulated majority procedures. If two alternatives are under consideration and both would change the status quo, unanimity or the stipulated majority might not be achieved in either case. In the simple majority procedure it might be impossible to reach a decision or at least one compatible with the requirement that the preferences of the majority (the greatest number) should prevail. For example, when an equal number of votes is cast on both sides of an alternative, and an appeal is made to another rule-weighted voting where say, a chairman is given an additional vote. There is also the further possibility that no majority decision can be reached where there are more than two alternatives and voters’ orders of preference have to be considered (Lively 1975:14). “Once *orders of preference* (for example, a voter who prefers policy (a) to policy (b) might still prefer policy (b) to policy (c), and so on) are taken into account, it can be shown that in crucial cases there is no policy which can be said to be preferred by a majority” (Holden 1988:41; see Barry in Arthur 1992:62-63). In the event that even a two party system can avoid the possible logical and mathematical difficulties arising when more than two alternatives are presented, it cannot ensure that the policy preferences of a majority are successful (Lively 1975:16; Holden 1988:41). (Also see Chapter 5, section 5.3.1).

The majority principle is based on the assumption that preferences can be categorised into majorities and minorities, when in practice a great diversity of preferences exist which defy such a neat classification. Preferences are neither fixed nor static and can have a range of intensity – which the majority principle cannot take into account (Holden 1988:41).

The problems that arise in reaching a determinate decision using the simple majority procedure are also applicable to other procedures. According to Lively (1975:16) “[o]ne amongst many possible objections to a minority requirement could be that,

given more than two alternatives, all alternatives might achieve a minority in the same way as all alternatives might achieve a majority. In the case of decisions by interested minorities, since the minority group would itself have to have a decisionmaking procedure, the objections raised to other procedures would likewise apply to this” (see Barry in Arthur 1992:59-65). All of these procedures, therefore, hold the possibility that a determinate decision cannot be made.

Supposing then that democracy concerns the maximisation of political equality, the question is to what extent the different decisionmaking procedures satisfy political equality. The procedures are egalitarian in the sense that each person has only one vote, and that vote carries the same weight as any other person's vote. Equality is thus only relevant to those who vote, and not to voting procedures apart from the rule that each vote counts as one and no vote counts as more than one (Lively 1975 :16).

In another sense, the procedures may satisfy the requirement of political equality in varying degrees in reality. If all equally agree to a decision equality has been achieved. Those who vote against a decision in a majority decision system do not determine that decision, and so the minority do not achieve equality with the majority. Only if unanimity on a decision is reached can equality be achieved. No procedure permitting decisions other than those unanimously agreed to, ensures equality. Therefore it seems that only the unanimity procedure satisfied the demand of political equality. But this, however, is not the case. It is one thing to say that only unanimity achieves complete equality and quite another to say that the unanimity procedure achieves complete equality. As Lively (1975:17) explains “a unanimity procedure does not ensure that complete agreement is in fact reached, nor even does it ensure that, where agreement is incomplete, no decision is reached”.

Any decisionmaking procedure that permits a single dissenting vote cannot satisfy the requirement of political equality. This argument also applies to other decisionmaking procedures (for example, the stipulated majority procedure) because a minority can veto the decisions of a majority, thus effectively making the decision. Procedures demanding large majorities or unanimity do not encourage consensus and are means whereby minorities can reach decisions. Complete consensus on an



alternative would satisfy equality, but no procedure can ensure such consensus (Lively 1975:18,24).

Universal suffrage and decisionmaking procedures as mechanisms of democracy do not succeed in achieving an approximation of equality. (Political equality it seems cannot be achieved by politico-constitutional arrangements but would depend on socio-economic factors influencing the political sphere.) Political equality as an end of democracy cannot be achieved for inter alia the following reasons. There are always exclusions to citizenship and universal suffrage. As far as equality in decisionmaking is concerned, people in practice possess different capacities, abilities, interests and tastes which influence or affect levels of political participation. Secondly, it is empirically impossible for all people to determine political decisions or to be involved in decisionmaking due to natural and psychological factors, and the division of labour in complex societies. Thirdly, no majority principle can ensure that all will determine decisions, or that they will always do so, or even that decisions will be reached. Fourthly, majority decisionmaking can violate political equality and possibly lead to tyranny by the majority. In order to prevent this possibility a procedure empowering minorities to veto majority decisions is necessary (Lively 1975:27-29). (See Chapter 5, section 5.3.1.)

## **2.4 DEMOCRACY AS AN IDEAL: THEORY AND PRACTICE**

The question arises whether political systems are ideals that people seek to realise. Regarding democracy as an ideal (or its values or characteristics) raises a number of interrelated theoretical issues.

The first issue relates to the relation between the real and the ideal, fact and value and theory and practice. For example, is there an unbridgeable gap between the real and the ideal, or is the relation interactive or permanent?

In Sartori's (1962) view, although ideals and reality interact, democracy cannot materialise without its ideals, and without a factual basis democratic prescription is

self-denying. A clear distinction should, however, be made between the ‘is’ and ‘ought’. The distinction should not be confused “because the democratic ideal does not define reality, and vice versa, a real democracy is not, and cannot be, the same as an ideal one”. It would be incorrect to argue that facts do not correspond to values because “if the ideal coincided with the real it would no longer be an ideal; and the more subtle reason that what *ought* to be is not meant to replace what *is*” (Sartori 1962:80). In this view, political behaviour depends on the knowledge of what democracy is and should be. People’s judgment and behaviour are related to a definition of democracy. If democracy is unrealistically defined, all real democracies will be rejected (Sartori 1962:5).

Confusing the distinction between fact and value holds the danger of losing confidence in facts or dismissing values as useless:

Just as a misconceived idealism can lead us to the repudiation of existing democracies, so on the other hand a misused realism can lead us to ridicule faith in democracy. In contrast to the perfectionist demand for a literal democracy, there is the realist contention that all deontological fictions should be thrown overboard (Sartori 1962:80).

The difficulty with this argument is that in the first instance an unattainable ideal does not necessarily entail the rejection of the real; in the second instance as facts cannot contradict values, it does not follow that values should be dismissed. For example, it is argued that popular sovereignty in a literal sense is unattainable. It cannot, however, be dismissed as a fiction since political leaders depend on the approval of the electorate and must obtain the consent of those they rule (see Sartori 1962:81).

The view that the gap between theory and practice is a fixed feature of their relation is given by Holden (1988:97): “The principal contention here is that not only is there a gap but it is bound to remain, i.e. the key factor is its permanence rather than its extent”.

The second theoretical issue concerns the gap between the real and the ideal, and the extent of the gap. According to Hallowell (1954:15) “[n]o one denies that there is

often a wide discrepancy between professions of faith and actual practice, between principles and actions. The question is how we should interpret such discrepancies”.

Questions on the extent of the gap include the following: If reality falls short of theory, is reality and not theory at fault? If the gap between theory and practice is too great, is theory too utopian? Idealised conceptions of democracy may inspire higher aspirations and greater performance in practice. Conversely, a too great gap between the ideal and the real may inspire high expectations that cannot be satisfied and so give rise to frustration and scepticism (Holden 1988:97).

The third issue concerns dealing with the gap between the real and the ideal, or between theory and practice by means of maintaining the fact-value distinction (while recognising some interdependence), or by attempts at reconciling theory and practice.

For Sartori (1962:79) the correct way of dealing with the relationship between fact and value is to establish the influence of prescriptions on reality, thus “ascertaining whether, and to what extent, it fulfils its counterbalancing function”. In other words, while the distinction between fact and value must be maintained, the tension between them must be adjusted in such a way that they balance each other.

Ideals, to the extent that they are realised in practice, must be adjusted to the same extent to maintain a distance between them and that which has been realised. If this is not done ideals (for example, democracy) can function to undermine and even overthrow existing oppressive systems (for example, autocracy), but once (presumably some measure of) democracy has been achieved, the democratic ideal (if it remains utopian) operates against that democracy. Sartori (1962:65) explains:

If ... the *ought* remains unchanged, it begins operating in reverse. I mean that when *within* a democracy, we retain the democratic ideal in an extreme form, it begins to work *against* the democracy it has produced.

If the democratic rule as expressed in say, the pure form of “All power to the people” is not adjusted in a democratic system, that system cannot survive. As the

rule calls for equal and unlimited power to the people, the closer it is realised, it takes on the meaning of “‘All power to nobody’”. Accordingly, “[a] democracy can last only if the maximization of the democratic ideal does not lead to rejecting as inadequate the principle of the control of power” (Sartori 1962:66). Hence, if power in a democracy is not limited, counterbalanced or controlled in some way the danger is the creation of a new form of absolutism which in all likelihood will be as tyrannical as the nondemocratic systems that democracy opposes.

If political practice does not approximate democracy, it is not the notion of democracy that is at fault, but the practice which could be described as undemocratic (Hallowell 1954:50). In a similar fashion Sartori (1962:64-65) argues that if ideals cannot be achieved, the ideals are not at fault, but the tests chosen for them. For ideals are intended to motivate and guide reality; they are not reality. There is a continuous tension between fact and value. The function of ideals is not to be attained in reality, but to challenge reality (see Chapter 7, section 7.2.3).

## **2.5 CLASSIFICATIONS OF DEMOCRATIC THEORY**

Classifications of democratic theory and models or variants abound in the literature. A distinction can be made between two broad schools of democratic theory. These schools each contain numerous theories and diversity of democratic variants. Both schools are rooted in Western theory and practices, and have similarities and differences. Like Holden (1988), Sartori (1962, 1987) discusses the similarities and differences but calls the democratic model of Anglo American democratic theory ‘empirical democracy’ and that of Continental democratic theory ‘rational democracy’. Although both schools draw on Rousseau’s thought, the differences between them reflect those between Rousseau and Locke. For instance, according to Continental democratic theory the people are “a corporate entity with a single will” in contrast with Anglo American democratic theory which views the people as a collection of individuals and the will of the people as an “aggregate of separate individual wills” (Holden 1988:766). The notion of people as a single or corporate entity is paradoxically associated with a radical individualism as only individuals are

the constituent elements of the entity. This contrasts with the importance of groups in society which sometimes modified Anglo American individualism. A further important difference is that in Continental democratic theory the power of the people is supreme; there is no proper limit to their authority, whereas Anglo American democratic theory places limits on state action (Holden 1988:76). Rousseau's seminal work, the *Social Contract* (1762), served as inspiration for social democracy or the welfare state, and arguably for non-liberal, non-Western theories of democracy like the people's democracies of Eastern Europe. Holden (1988:79; also see endnote 1988:109), furthermore, contends that it is possible that such theories were not influenced by Rousseauian theory's model of direct democracy, but rather that misinterpretations of Rousseau contributed to these theories. It should be pointed out, however, that there are democracies in the West, inspired by Rousseau, but which are not totalitarian and illiberal, like French democracy.

Whereas Anglo American democratic theory is liberal, doubt exists whether Continental democratic theory can be characterised as liberal (rather than perhaps predominantly socialist) or as a type of liberal democratic theory. Holden (1988:78-80) argues that Continental democratic theory is indeed a type of Western or traditional democratic theory. However, it is doubtful whether it can properly be called 'liberal' because of the illiberal practices of so-called emerging democracies, including totalitarian political systems, which reject the liberal beliefs in individualism and capitalism.

Democratic theory, furthermore, may be variously classified into traditional, radical and modern theories (see Holden 1988) or into prescriptive and descriptive categories. Traditional democratic theories are primarily regarded as 'prescriptive' and modern democratic theories as 'empirical'. These empirical theories are not, however, normatively untainted; they invariably implicitly or explicitly have some recommendatory function. Some modern theories again may incorporate elements, for example, the existence and/or role of elites (see Sartori 1962), which had previously been regarded as 'undemocratic'. Democratic theory may further be classified in accordance to some end, whether the general interest, the common good or equality (see Lively 1975).

Heywood (2002:77-82) again distinguishes between elite, pluralist and corporatist theories of democracy. Elite and pluralist theories concern the extent of the dispersion of political power, that is, whether power is held by a ruling group or dispersed widely and evenly among various centres in society. In corporatist theory both workers and management are engaged in the process of governing.

Sartori (1962:252) refers to the well known and basic distinction between direct and indirect democracy. Direct democracy requires continuous participation by the people and applies only to small communities. It is inappropriate to and unworkable in modern, large, industrialised societies. Indirect democracy, which is also sometimes called representative democracy, requires control and limitation of power. It is indirect in that people do not exercise power. They choose representatives who will rule on their behalf (Heywood 1997:68). In addition to the above, Cloete (1993:6) lists other types of democracy, namely, liberal democracy, social democracy, consociation democracy, participatory democracy, pluralist democracy, and people's democracy, which is also known as populist democracy. Heywood (2002:72) further identifies people's democracies, classical, protective and developmental democracies.

The democracies of Anglo American democratic theory include the variants of liberal democracy and social democracy, both of which have various forms. The latter, however, may also be classified as a variant of Continental democratic theory, depending on the scope and emphasis placed on the value of equality. Participatory democracy and people's democracy are common to Continental democratic theory. These schools and variants of democracy form the context of the analyses of freedom and equality in subsequent chapters.

## 2.6 THE DEMOCRATIC VALUES OF FREEDOM AND EQUALITY

Just as it appears that no single characteristic of democracy is theoretically essential to democracy, the question arises as to whether any particular value, or values (or ideals), are particular to democracy. Freedom and equality are commonly regarded as democratic values or ideals in the literature, which raises the issue of the relation between them, and with democracy. With regard to values of democracy, Ross (1952:95) cautions: Which values are “*specific* of democracy, that is, those which – necessarily or, at least, typically – are connected with democracy but not with its opposite. It is not an uncommon mistake to refer in support of democracy to values that are either not necessarily connected with that form of government or, at any rate, can also be found in connection with autocracy”.

A complex concept such as democracy can probably neither be associated with, nor reduced to a single ideal. Even regarding political equality as the defining principle of democracy does not imply that “it is necessarily an end-in-itself, a first order principle unjustifiable in terms of any other value. The establishment of such a hierarchy of values is seldom the way of political argument, and it certainly has not been the way in discussion of democracy” (Lively 1975:111).

In the literature, however, it is common practice to propose a single value or principle as an idea of democracy. “Some have wished to find it in ‘the idea of freedom,’ others in the ‘idea of equality,’ others again in various other ideas. Any such procedure involves a fallacious simplification of the problem. What we see in democracy cannot thus be reduced to a single formula” (Ross 1952:95). People value democracy for different reasons – for ensuring the general interest, safeguarding individual freedom, promoting self-government, and so forth.

A further problem is that ideals (for example, freedom and equality) are not always treated as such. A lack of understanding of the nature of ideals leads to uncertainty about the difference between ideals and practice, and how to apply them to reality.

The notions of freedom and equality, however, recur in democratic literature as defining features, values, ideals or ends of democracy. These concepts and their relation to democracy will be briefly introduced. The meanings, affinities and tensions between these concepts will be elaborated upon in subsequent chapters.

### 2.6.1 Freedom

A useful distinction (although not one without criticism) is that between negative and positive freedom. “Freedom is always freedom *from* some constraint or other and freedom *to do or be* something or other” (Graham 1986:38).

Positive freedom (freedom to) means to choose between alternatives and to act upon that choice. Positive freedom, in this weak sense, cannot be enjoyed without the possession of negative freedom. Negative freedom is a prerequisite for positive freedom. Negative freedom means not to be subject to external compulsion. (See Chapter 3, section 3.4.)

Dixon (1986:10) argues that negative freedom is not inconsistent with the idea of democratically elected groups intervening to protect and promote the interests of the poor and underprivileged. Inconsistent with negative freedom, however, is “the totalitarian doctrine that the social collectivity – nation, state or group – stands over and above the individuals who comprise it” (Dixon 1986:11). In such totalitarian societies ruling groups suppress minority opinion. The so-called general will “overrides the ‘will of all’ or of the separate conflicting wills of diverse political interest groups and individuals” (Dixon 1986:11). In conceptual terms, positive freedom permits the imposition of constraints whilst those constraints are not regarded as interfering with the liberty of individuals:

The difficulty and danger in using positive conceptions of freedom is that *you* may describe justified interference with doing what one wants as increasing my freedom whilst *I* may feel that such actions are unjustified diminutions of my freedom (Dixon 1986:17).



Positive freedom then contains the notion that individuals, in pursuing their desires, might submit to the guidance of the state, as a manifestation of the rational will of all individuals. In this Rousseauian view, the state does not limit freedom, but the guidance of the state is a part of that freedom, or an extension of freedom (Holden 1988:27). (See Chapter 3, section 3.3.4.)

Political freedom (freedom from, not freedom to) is external freedom as distinct from notions of self-realisation or self-determination, which refers to the internalisation of freedom. It is, however, “not only freedom *from* but also *participation in*” (Sartori 1962:286). Participation is only possible by the possession of negative freedom.

The problem of political freedom is that “it is freedom *from* and not freedom *to* that marks the boundary between political freedom and political oppression. When we define liberty as ‘power *to*,’ then the power *to* be free (of the citizens) and the power *to* coerce (of the State) are easily intermingled. And this is because so-called positive liberty can be used in all directions and for any goal whatsoever” (Sartori 1962:313).

The political freedom enjoyed today in many Western democracies is the freedom of liberalism and not the conception of liberty of the ancient Greek democracies (see Sartori 1962:291). The Greeks did not understand the (modern) notion of individual freedom or of the individual as a person. They had no conception of freedom based on individual rights. The individual was not respected as a person and was subsumed under the ‘polis’. Freedom was instead conceived of as participation in the exercise of power.

Non-liberal democracies, (for example, socialist and populist) are moving closer to the original conception of the democracies of Greece, a direct democracy (though this should not be taken literally in the sense that the rulers and the ruled are identical). Citizens are increasingly participating in decisionmaking on various political levels and in the socio-economic sphere.

Unlike the Greek and pre-modern societies which took the community as a starting point – the community is prior to the individual, liberalism takes the individual as the

primary unit of society. The individual is ontologically and conceptually prior to society (Parekh 1992:161).

Although democracy preceded liberalism historically in the Western world, in modern times liberalism preceded democracy by approximately two centuries and forms the foundation of liberal democracy, which is described by Parekh (1992:161) as “basically a liberalized or liberally constituted democracy; that is, democracy defined and structured within the limits set by liberalism”.

The term ‘liberal’ in liberal democracy (a limited kind of democracy) implies concern with individual freedom, focusing on the need to limit power of government by subjecting it to mechanisms such as a written constitution and/or a bill of rights (Holden 1988:12). The primary concern is with individual freedoms and the protection of individual rights, and juridico-political equality – equality before the law and equality of opportunity although liberal democrats seem to be divided on the latter issue.

### **2.6.2 Equality**

Miller (1987:136) describes two uses of equality. The first is foundational equality, namely, that people are equal. The second is distributional equality which concerns a more equal distribution of opportunities, political power and economic goods.

Sartori (1962:328) also distinguishes between two meanings of equality:

In one sense it is a moral ideal; in the other sense it is related to the notion of likeness. The argument can be developed in the sense that we seek justice, but also in the sense that we seek identity. If on the other hand the ideal of equality stems from the principle ‘To each his due,’ on the other it is fed by a distaste for variety, diversity, and unevenness.

The notion of equality as justice and as sameness is reflected in Holden’s (1988:15) description of equality which “has to do with ‘sameness’ and its proper recognition: things (persons, groups or whatever) are equal if they are the same in important

respects and the principle of equality demands that things which are the same in relevant important respects ought to be treated equally". The use of indeterminate words like 'important' and 'relevant' are likely to lead to controversies and difficulties.

There are, however, other conceptual and methodological problems. The notions of "equality-as-justice" and "equality-as-sameness" overlap conceptually and semantically (Sartori 1962:329). This is illustrated by the argument that men are entitled to equal rights and opportunities because they are equal, at least in some respects, by virtue of their being, or some common aspect of their nature (also see Chapter 4, section 4.2). The moral ideal of equality, however, does not imply factual equality. No necessary connection exists between the fact that men are or are not equal at birth, and the moral principle that they should enjoy equal treatment. "If it is true that equality is a moral principle, then we seek equality because we think it is just; not because men actually *are* alike, but because we feel that they should be treated *as if* they were (even though in point of fact, they are not)" (Sartori 1962:329).

On the one hand equality is sought whilst acknowledging human diversity, and on the other diversity is seen as leading to inequality. Egalitarian principles were historically not derived from the premise that men are the same (in a physical sense) but from the fact that they are different (unequal). It becomes a matter of justice to promote certain equalities to compensate people for being born different (Sartori 1962:330). If, however, justice as a matter of principle requires treating like cases alike and different cases differently the due process of law results in inequality in many instances (see Brown 1988:2,3,249, and Chapter 4, section 4.3.1).

It is furthermore arguable whether justice can be reduced to the mathematical notion of sameness:

Then there is the democratic idea of justice as numerical equality, not equality based on merit; and when this idea of what is right prevails, the people must be sovereign, and whatever the majority decides that is final and that is justice. For, they say, there must be equality among the citizens. The result is that in democracies the poor have more sovereign power than the men of property; for they are more numerous and the decisions of the majority prevail (Aristotle 1972:237).

From demanding justice equality establishes unjust inequalities by subordinating quality – the better – to the law of numbers – quantity (Sartori 1962:333).

The idea of equality was separated from that of democracy with the destruction of the Greek polis. Equality has a long history within the tradition of Western thought. Many equalities, according to Sartori (1962:334-335), “have by no means sprung from democratic experience, and therefore not all, but only some species of equality belong to the democratic family as its legitimate descendants”. (Also see Miller 1987:136-137.)

Equality before the law was of short duration in the Greek democracies. The principle of the spiritual and moral worth of man is a Christian ethical concept. Even the notion of equal and inalienable human rights developed from the seventeenth century conception of natural law. The equality attached to freedom of speech and assembly is more closely associated with the liberal idea of freedom and constitutional protection than with ancient democratic practices (Sartori 1962:335).

The following equalities can be associated with modern democracy:

- (1) Equal universal suffrage – the granting of the vote to everybody to complete their political freedom;
- (2) Social equality – the equality of social status, implying the absence of any barriers (class, social) and discrimination;
- (3) Equality of opportunity – equal access to opportunities (formal sense) and equality of starting points (material sense) in which wealth is distributed in such a way as to create the material conditions for permitting equal access to opportunities (Sartori 1962:335).

Sartori (1962:335) is of the opinion that these equalities are more appropriate to democracy than to liberal democracy. Liberalism is not entirely supportive of these equalities (see Wilhoit 1979:255). Socialist democracies, however, seek not only the equalisation of starting points but also the equalisation of material outcome. Both strategies require government intervention, the only difference being in the degree of

control required to impose economic equality. In a socialist democracy the focus is primarily on economic equality from which social equality will presumably follow automatically. Liberalism does not reject social equality; it focuses rather on freedom than on the problem of social equality. The difference between the democratic and the Marxist socialist striving for economic equality lies in the purpose. Democracy seeks to equalise opportunities whilst socialism pursues equality for its own sake, that is, as an ideal. This does not mean that socialists are indifferent to freedom, but they tend to focus exclusively on the problem of economic equality.

### 2.6.3 Democracy, freedom and equality

According to Graham (1986:13) the notions of freedom and equality are implicit in the definition of democracy as ‘government by the people’:

In so far as democracy is concerned with the issue of rule or control or decision-making it is perforce concerned with freedom or liberty; and at least to the extent that no one is excluded from a share in decision-making some rudimentary notion of equality is implicit.

Holden (1988) argues that the connection between freedom and democracy is factually contingent in the sense that people generally desire considerable freedom requiring certain restrictions on governmental power. It must be acknowledged, however, that people could make demands that would lead to an infringement of freedom. Freedom is necessarily connected to democracy in the sense that certain freedoms – freedom of speech, choice (provided by free elections), assembly and organisation are necessary conditions for the existence of democracy (Holden 1988:37). This presupposes the contention that democracy is based on the conception of human beings as autonomous, rational agents capable of making their own decisions. Consequently a range of civil freedoms are required for that purpose (see Graham 1986:38; Hallowell 1954:91).

Another connection between freedom and democracy, “though not *conceptually* one of the tightest – arises from a tendency to view ‘the people’ and ‘the government’ as separate and potentially hostile bodies” (Holden 1988:19). (In contrast with this

Anglo American view, Continental democratic theory sees the government as an agent of the people. See Chapter 3, section 3.9.1.3).

The close connection between freedom and democracy is based on the argument that whilst the government rules over the people, power only resides in the people insofar as they limit governmental power. This means that the people enjoy more power than the government since they make fundamental decisions. Limited government then exists “*by virtue of* popular power. Democratic government *is* limited government and liberty is necessarily maintained by democracy” (Holden 1988:20).

Liberal democratic theory assumes (1) that significant threats to freedom come primarily from government, and (2) that the freedom of the individual and the people are the same, and that threats to the freedom of the people are threats to the freedom of the individual. This assumption is incompatible with an individualistic notion of the people. It also overlooks the possibility that the individual can be oppressed by the people (Holden 1988:20-21).

In Continental democratic theory the people are free when they participate in government. Freedom is linked with democracy through the connection between self-determination and self-government. (The notion of self-determination is also found in Anglo American democratic theory, but the focus is more on a positive conception of freedom.) If government is an agency through which people act and if individual freedom is viewed as participation in the processes of government, interventionist governmental activity can be seen as compatible with people’s wishes; not as a threat to freedom, but rather as enlarging their freedom (Holden 1988:23). (The danger is that the freedom of individuals may be threatened. See Chapter 3, section 3.9.1.3).

In Sartori’s (1962:292) view the idea of freedom cannot directly be derived from democracy, but only indirectly. It does not follow from popular power, but from the notion of isocracy. “It is the assertion ‘We are equal,’ that can be interpreted as: ‘Nobody has the right to command me.’ Thus, it is from the postulate of equality that we can deduce the demand for a ‘freedom from.’”

Sartori (1962), furthermore, reflects upon the problematic nature of the relation between freedom and equality. “Equality is supposed to implement freedom, but it may destroy freedom: it presupposes it, but it can well overcome it” (Sartori 1962:345). Furthermore, does freedom precede equality, or does equality precede freedom? Procedurally freedom comes first as equality without freedom “can hardly be asked for and may hardly seem worth having” (Sartori 1962:345). If equality preceded freedom, freedom is not implied, “only equality among slaves ... equal in having nothing and in counting for nothing, equal in being equally subjected ... Therefore, just as political freedom, freedom *from*, is the preliminary condition for all the powers of liberty, of all the freedoms to – for the same reasons it is also the preliminary condition for all the powers of equality” (Sartori 1962:345).

Equality of treatment is also linked to democracy in the sense that democracy is best able to promote political equality. This connection is further associated with the democratic idea that political equality is implied in decisions taken by the people. In liberal democratic theory the whole people comprises a collection of individuals. If all people make decisions, all individuals are involved. Each individual must to an important extent have an equal say. This is reflected by the idea of one person one vote – accepted as a distinctive characteristic of democracy (Holden 1988:15). This does not, however, mean that individuals have an equal say in practice, for example, people vote differently – for and against minorities; equal voting may not imply or guarantee equal political power (Holden 1988:16).

For Holden (1988:37-38) political equality is further closely connected to democracy per definition. Whereas freedom and other types of equality may conflict, the relation between freedom and political equality is relatively trouble free. This is because other types of equality require government intervention to establish or to maintain equality. In contrast political equality mainly implies an equal share in the input – the decisionmaking process to state action. Such action could still be limited to whatever is compatible with freedom. Political equality is closely linked to and compatible with democracy and liberal democracy.

Liberal democracy can also further other types of equality. The people may want more equality even though this might diminish individual freedom. Problems of individual freedom will arise when not all people want more equality (Holden 1988:38). (These are problems partly involving collective decisionmaking.)

It appears that democracy and equality coincide in the general sense that it is the symbol and ideal of democracy. Equality “attains its greatest force and expansion within a democratic system” (Sartori 1962:334). This does not, however, mean that there are no equalities in other regimes or that all types of equalities are particularly a democratic achievement.

## **2.7 CONCLUSION**

The main aim of this chapter was to examine the meaning of democracy and to briefly introduce its associated values of freedom and equality. It is hardly possible to investigate the relations between freedom and equality, and their connection with democracy, without some idea of what democracy is and refers to.

The etymological meaning of democracy presents many difficulties in regard to the various meanings attached to ‘the people’ and ‘rule’. These ambiguities are reflected in ‘modern’ definitions of democracy, and can partly be ascribed to confusing the distinction between the real and the ideal. Furthermore, democracy has no single, accepted and precise meaning.

Democracy, it seems cannot be defined concretely in institutional terms, or identified with a method – the majority principle – although this method of decisionmaking is most conducive to democracy. Democracy cannot merely be regarded as an institutional arrangement or a decisionmaking method, for people have defended it at the cost of human lives. It may be seen in the above terms only insofar as it furthers an ideal that is believed to be worthy or desirable.



Freedom and equality are popularly regarded as defining features, values or ideals of democracy. Both are conceptually linked to democracy. Political freedom is an ideal of democracy (particularly liberal democracy) in the sense that people do not rule themselves or make their own laws. Certain freedoms are necessary for the existence of democracy and to limit the power of government. Liberal democratic theory places more emphasis on individual freedom and rights. Political equality enjoys precedence over economic equality, which is the primary aim or end of socialist democracies.

The distinction and some of the differences between Anglo American democratic theory and Continental democratic theory were briefly outlined. According to Anglo American democratic theory, the people are a collection of individuals; an entity which is separate from government. Freedom as the democratic positive freedom of self-determination, namely, the freedom to make decisions and to act upon them, is closely associated with limited government. In contrast, Continental democratic theory regards the power of the people as supreme; their power is virtually unlimited, and people act through the government (see Holden 1988:19).

The concepts of freedom and equality and their relation to democracy were briefly sketched as an introduction to further discussion in subsequent chapters. Like the concept of democracy, freedom and equality are also contested concepts and have various, and sometimes competing, meanings.

## CHAPTER 3

### FREEDOM

#### 3.1 INTRODUCTION

In the previous chapter, the difficulties of defining democracy, its variants and intellectual roots were examined. There is no consensus among scholars on whether democracy should be defined normatively in terms of values or ends, procedurally as a method, or substantively as a form of government (or as a type of regime). Substantive definitions are broader in scope – including democratic principles, institutional arrangements and stressing political participation – than definitions of democracy as a procedure. However, democracy is commonly characterised as government for the people (whoever they are, and however they are determined), referring to indirect or representative democracy. It is also clear that the direct democracy of government by the people of ancient Athens, and the democracy espoused by the founding fathers of the United States of America are philosophically very different to the democratic variants prevalent in the twentieth century. Originally democracy had nothing to do with freedom, but everything with direct rule of the masses, with certain qualifications and exclusions.

The roots of twentieth century democracy may be located in the nineteenth century, particularly in the phenomenon of liberalism. Classical nineteenth century liberalism stood for negative freedom, freedom from state intervention, laissez-faire capitalism, respect for the individual which included freedom of expression and (lawful) association, and equality of all before the law. It excluded equality of opportunity and property (Bramsted & Melhuish 1978:xviii; Heywood 1997:41).

From the late nineteenth century, however, “a form of social liberalism” (Heywood 1997:41) or welfare liberalism, emerged which favoured a positive conception of freedom, linked to personal development and the achievement of self-realisation, necessitating welfare reform and economic intervention. This emphasis became

characteristic of modern or twentieth century liberalism. State intervention to provide social welfare was seen to expand freedom by protecting individuals from the hazards of daily existence (Heywood 1997:44). A broader notion of the individual was developed which also required the individual to be rescued both from the arbitrariness of political decisionmakers and the tyranny of the majority who claimed increasingly that its standards and values were binding on everyone in modern democracies (Bramsted & Melhuish 1978:xviii).

Present day democratic thought then is social or popular in character. This development, however, does not negate the historical philosophical contributions to democratic thought by Hobbes, Locke and Rousseau taken up by liberalism in approximately the middle of the nineteenth century. The notion of social democracy (generally also called welfare state) became entrenched as the democratic model of the twentieth century. Whereas democratic and liberal thought in the nineteenth century emphasised individualism, collectivism and its egalitarian tendencies with greater, even enforced equality of participation in the political, social and economic spheres, characterised much of twentieth century thought on democracy. Logically and practically liberal democracy can develop into social democracy. The contrary is also possible. Social democracy can become more liberal, or more collectivistic along a continuum ending with Talmon's (1970) conception of a totalitarian democracy. Whether totalitarian systems and the emerging 'democracies' in Eastern Europe, Asia, China and Africa can properly be called democracies, albeit participatory democracies or people's democracies, is contentious, depending to a great extent on how democracy is defined (see Sartori 1987; Holden 1988; Mcpherson 1969; Femia 1993).

Democracies in Western Europe and America are now popularly characterised as social democracies or welfare states in varying degrees, depending on the emphasis placed on liberal or social elements. The issues, namely, whether democracy has to be liberal (or not), or whether it has to further freedom (or not), are closely related to the relation between freedom and democracy. The examining of the relation between freedom and democracy requires clarity on the meaning and the type of freedom, and the kind of democracy or democratic theory involved to avoid conceptual

obfuscation. Furthermore, the relation necessitates an overview of the association of freedom and liberalism with democracy, as well as the association of socialism (or variants of socialism) with democracy with regard to emerging democracies or people's democracies, and the liberal democratic adherence to freedom as a primary value.

### **3.2 THE COMPLEXITY OF FREEDOM AND SOURCES OF CONFUSION**

The question "What is freedom?" has historically elicited a variety of responses, and even conflicting answers. The question itself may be confusing. Is a definition of freedom being sought, or is the question an enquiry into the nature or essence of freedom, or its purpose, or its justification?

Various types of questions concerning the nature, conditions and definition of freedom are central to the debate on the meaning of freedom. For instance, the following questions may be asked. Is freedom a logical (analytic) or a legal concept? Is freedom a philosophical or axiological concept? Is it a value, or a goal, or an ideal to be pursued? (see Levine 1981:33). Does freedom mean unimpeded action according to choice, or does it imply autonomy, self-realisation or self-development as interpreted by some liberal and socialist scholars who tend to regard freedom as a positive concept? Is freedom rather an empirical and a negative concept? Does it mean the absence of coercion? Does freedom from constraint refer only to the political sphere or does it include freedom from economic constraints and constraints imposed by morality, custom, convention or tradition? Can freedom be defined in descriptive (empirical) terms, given its evaluative content?

As in the case of democracy, the numerous definitions and descriptions of the terms 'freedom' or 'liberty' face the same conceptual difficulties outlined in Chapter 2. Freedom and liberty are generally used synonymously in democratic literature. Because liberty is sometimes used in a legal context, and in a political context as the self-determination and independence of nations, the term 'freedom' used in a philosophical and more general contexts, is preferred here. According to Cranston (1967:32) the choice between liberty and freedom is "usually a matter of literary

style”.

A discussion of freedom is further complicated by philosophers, political theorists and social scientists using the term in different ways (Cranston 1967:29-30). In contrast with the array of convoluted and abstruse philosophical definitions of freedom (see further on), economists and sociologists interpret freedom as a social relationship involving interaction. For example, to what extent do individuals exercise free choice and enjoy privileges in relation to their fellow human beings? Many political scientists regard freedom as a normative ideal, but define freedom in social-scientific terms, separating what freedom is from any question about the value of freedom (Heywood 1994:196).

The difficulty of discussing freedom is aptly summarised by the following two quotations:

The characteristic eclecticism and imprecision of political discourse and of philosophical thought about politics, is nowhere more striking than in the talk of *freedom* (Levine 1981:33).

Liberty! There is hardly another word so extravagantly used, praised, and sung about, yet at the same time so bare of clear and definite meaning, as the word ‘liberty’ (Ross 1952:99).

A major source of confusion, as will be seen further on, relates to confusing internal freedom (positive freedom) with external freedom (negative freedom), or to put it differently, confusing the philosophical or normative level of discourse with the practical or empirical level of discourse; and the semantic problem of redefining freedom to give it a different meaning to what it originally had. Two other sources of confusion concern the so-called types of freedom and the association of freedom with other terms.

Many types or kinds of freedom can be identified, namely, political, economic, social, religious, moral, intellectual and psychological. The last three refer to internal freedom. Sartori (1987:298) accepts the usage of types of freedom but is of the opinion that political freedom presupposes and promotes all other types of freedom: political freedom is “a liberty whose purpose is to create a situation of freedom – the

conditions for freedom” (Sartori 1962:282).

However, it can be argued that these freedoms are strictly speaking not types of freedom. Describing freedom with adjectives like political and economic serve the important purpose of indicating the context in which the freedom is used.

Cranston (1967:10) holds the view that the meaning of freedom is hardly clarified by placing an adjective in front of the substantive, and that such a practice tends to lead to ambiguity. Economic freedom, for example, has at least two current meanings. In the first place it denotes a free economic system, that is, free *from* (own emphasis) governmental intervention, and in the second place, an individual free *from* (own emphasis) economic hardship. Liberal democratic scholars (of a conservative mind) tend to adhere to the former meaning when speaking of economic freedom, while socialists support the latter meaning in which instance people often look to the government to secure freedom from economic hardship. This ambiguity is made unfortunate by the socialist notion of economic freedom only being possible at the expense of the conception of economic freedom as the absence of government interference. For Cranston (1967:10) the equivocation could be eliminated only if the adjective in front of freedom indicates what the freedom referred to is for, or from. Hence, freedom is more clearly understood when it is opposed to a particular constraint. It has less ambiguity as well in political use, for example, in times of centralised oppression, because the constraint from which freedom is sought is understood (Cranston 1967:8).

Hayek (1976:12) thinks that although it is at times legitimate to speak of freedom from and freedom to as kinds of freedom, there is only freedom “varying in degree but not in kind”. Freedom is a social and political relation and the only infringement of freedom is coercion by others. In a similar vein Flew (1989:8) rejects the ‘positive’ in positive freedom, which the Scholastics called “an *alienans* adjective”. Accordingly, “[p]ositive freedom is ... no more a kind of freedom than imaginary horses or incorporeal substances are sorts of horses or sorts of substances” (Flew 1989:8).

The association of freedom with a range of terms like toleration, rights, liberation, and equality tends to lead to further confusion. Heywood (1994:195) ascribes the confusion between freedom and rights to “the tendency to speak of a right of freedom, as in the right to freedom of speech, the right to freedom of religious worship, and so on”. A clear analytical distinction in this instance must be made between a right as an entitlement to act or be treated in a certain manner, and that to which a person is entitled. The latter may involve the exercise of what is understood as freedom.

In liberal democratic thought freedom is closely related to rights. This tendency is due to the treatment of freedom as a right. Rights are then described as freedoms (or liberties) leading virtually to a fusion of meaning (Heywood 1994:199).

Freedom is sometimes erroneously associated with licence. Freedom is not licence, but where the distinction should be drawn is controversial. Freedom understood as the absence of constraints, impediments or restrictions is sometimes interpreted as the ‘freedom to act as one pleases’. This makes freedom hardly distinguishable from licence. Heywood (1994:198) argues that a distinction between freedom and licence can lead to confusion. For instance, it implies that only morally correct conduct can be seen as freedom and that licence signifies morally objectionable conduct. Hallowell (1954:112) takes the strong view that “[f]reedom conceived as license leads to anarchy, and anarchy manifests itself politically in tyranny”. Freedom understood as “the unrestrained pursuit of pleasure leads to slavery” (Hallowell 1954:132).

Freedom is also associated with equality. If freedom is a fundamental value then all people are surely entitled to freedom. Those who base rights on freedom (rights-based theory of freedom), acknowledge that rights apply equally to all people and that people equally possess certain rights. Liberal democracies tend to respect the idea of equal freedom. Theoretically at least all citizens have political, social and civil rights. The doctrine of equal freedom, however, depends on how freedom is defined. If freedom consists of the exercise of formal rights, measuring freedom and its equal distribution depends on ensuring that no individual or group is particularly

advantaged or disadvantaged. This can be achieved by establishing formal equality, equality before the law. The matter, however, becomes more complicated if freedom is interpreted – not as the possession of formal rights – but as the opportunity of taking advantage of formal rights. For instance, socialists and neo-liberals see ‘equal freedom’ in terms of the redistribution of wealth and material resources. Such disagreements point to the nature of freedom and to the difference between negative and positive freedom (Heywood 1994:200).

Because of the emphasis placed on freedom by democratic scholars it is essential to gain some clarity on the meaning and nature of freedom which underpin the thought on democracy.

It is perhaps appropriate to start with the philosophical meanings of freedom as they constitute a major source of confusion which has implications particularly for variants of Continental democratic theory. In particular, political freedom, an external freedom, is too often confused with the philosophical problem of freedom, which is an internal freedom. As Sartori (1987:300) states “political liberty *is not* a philosophical liberty. It is not the practical solution to a philosophical problem, and even less the philosophical solution to a practical problem”. The practical problem of freedom as well as the democratic problem of freedom relate to the achievement of freedom by limiting government compulsion, and government by consent (Sartori 1987:302).

Although philosophers have often speculated about political freedom, they seldom treated it as a practical problem. Aristotle, Hobbes, Locke and Kant number among the few exceptions (Sartori 1962:279). However, most philosophers have been concerned with the nature of freedom as expressed as freedom of the will or freedom conceived as self-determination or self-realisation (Sartori 1987:299).

### **3.3 THE PHILOSOPHICAL MEANINGS OF FREEDOM**

Philosophers interpret freedom in the human context in various ways as will or self-realisation (see Heywood 1994); a faculty or power, or as government by reason (see



Cranston 1967); enforced or compulsory rational freedom (see Mayo 1960; Cranston 1967); autonomy (see Sartori 1962; Levine 1981); and self-determination (see Holden 1988). These interpretations are descriptive of human nature and relate to internal freedom. However, terms like autonomy, self-determination, and self-government have acquired political meanings as well, which leads to confusion if the context within which the terms are used are not borne in mind. Then there is also the Marxist notion of freedom as “the recognition of necessity” (Cranston 1967:39; see Dixon 1986:44).

The various philosophical meanings will be briefly considered.

### **3.3.1 Freedom of the will**

In philosophy, freedom is prominently defined as freedom of the will. It refers to the capacity to exercise choice (in the face of alternatives) by means of reason, will, convictions, rather than by impulse or some momentary reaction to a situation. Capacity varies from individual to individual and over time (for example, sickness, health, maturity and senility) (Flew 1989:9). The opposite of freedom of the will (internal freedom) is not coercion by others, but moral weakness, temporary whims or emotions. A person acting on passion can be said to be enslaved by passion and, hence, unfree (Hayek 1976:15). Whether or not a person intelligently chooses between alternative courses of action is one matter, and whether or not others manipulate or coerce that person is another issue.

There is, however, a relation between the two. Some people might perceive the same situation as coercive and others as difficulties to overcome, depending on the strength of the will of those involved. Freedom of the will (internal freedom) and freedom as the absence of coercion (external freedom) together determine whether and to what extent a person will use available opportunities (Hayek 1976:15).

### **3.3.2 Freedom as a faculty or power**

Here freedom is interpreted as the ability or power to do what a person wants. Freedom as power involves the removal of obstacles and impediments (presumably by any political order). Locke and Hume arguably believed that freedom is a faculty or power. Cranston (1967:18) rejects freedom as power as erroneous, as it arises from a lack of distinction between being free to do something and being able to do something. “Truly, there is little point in ‘being free to’ unless we ‘have the power to’, but it certainly does not follow from this that the one is identical with the other” (Cranston 1967:19). Treating them as identical only leads to confusion. Defining freedom positively as the ‘power to’ in a political context obfuscates the distinction between the people’s power to be free and the state’s power to coerce, thus collapsing the boundary between political freedom and political oppression (Sartori 1962:313). Once freedom is identified as power, as socialists are inclined to do, the way is cleared to attempts to suppress or destroy freedom in the name of freedom, as has happened in totalitarian states (Hayek 1976:16). Notions of freedom as the ‘power to’ do seems to be more about power than freedom as power tends to be regarded as an end in itself (see Hallowell 1954:132).

### **3.3.3 Freedom as government by reason**

Defining freedom as government by reason is more complex. Aristotle believed that human beings are rational but not completely rational. Freedom is associated with the rational element of the human will as opposed to licence, or the exercise of the nonrational elements like desires and passions. Freedom does not merely mean the absence of constraint, but rather the absence of control by the nonrational elements of the human will. Freedom is thus something to be realised. The achievement of freedom requires self-discipline. In this way freedom is regarded as government by reason (Cranston 1967:20).

### **3.3.4 Enforceable rational freedom**

The notion of enforceable rational freedom is related to or derived from the

conception of freedom as government by reason (rational freedom). Spinoza, Rousseau (at times), Hegel and Bosanquet supported the idea of enforceable rational freedom (Cranston 1967:21). There is some disagreement among scholars whether Rousseau was an individualist or a collectivist (see for example, Bramsted & Melhuish 1978:126-135).

There are, however, crucial differences between the notion of rational freedom and that of compulsory or enforceable rational freedom. The former focuses on internal or inner constraints, self-discipline and is individualistic in nature, whereas the latter emphasises the use of external constraints or forces for promoting freedom in the (Rousseauian) sense of forcing people to be free (Cranston 1967:22). For Rousseau (1988) the general will (as distinct from the will of all) was the vehicle for promoting freedom, and directed at the common good: “the general will is always right and always tends toward the public utility” (Rousseau 1988:155). Because people always want what is good for them, but do not always know what it is, those disobeying the general will, will be forced to do so by the body politic. They will be “forced to be free” (Rousseau 1988:150). Freedom is located in discipline or control and is political in nature. It is argued that once the external conditions most favourable to, and those most detrimental to the exercise of rational control within individuals are established, the favourable conditions must be enforced by political authorities. Such enforcement will promote the freedom of individuals (Cranston 1967:22).

Whether ideas of freedom as rational freedom and enforceable rational freedom are truly about freedom or whether the term ‘freedom’ is actually defined is questionable. According to Cranston (1967:23) the doctrines of rational freedom and enforceable rational freedom are not about freedom but about human nature or “*the self*”. Contrary to the conventional view of the human person having a mind and a body which makes up the whole, the rational or real self is not the same as or identical with the unreal or animal self which is the source of irrational desires. Freedom for the real self then is not the same as freedom for the other unreal self. As Mayo (1960:238) asserts, people are free if they act for their real selves but are not free when they choose or want what their fallible consciences approve.

The division of human nature into a real and an unreal self is a “monstrous doctrine” (Mayo 1960:238; see Berlin 1969:132-134) which for Cranston (1967:23) is hardly rational and collapses the argument for rational freedom:

If ‘I am free’ means ‘My real self is free’ and ‘My real self’ is the rational, reflective part of my being, no further revision of the concept of freedom is necessary. For it is clear that if your animal desires are not really *yours*, i.e. do not originate in your real self, you will not be free if their satisfaction is unimpeded. Since the special doctrine of the self thus entails that in such circumstances ‘*You will not be free*’, it is otiose to add a special doctrine to show that in such circumstances ‘*You will not be free.*’

If the division of human nature is insisted upon, liberal democracy, according to Mayo (1960:238) makes allowance for hearing all views on “‘real’ interests, ‘true’ selves” as well as desires and supposed interests. Marxists (and people’s democracies) often claim that they know what the real interests of the people are, but this does not entitle them to rule. They may, however, use the processes of a democracy to implement their policies. (Also see discussion on the Marxist definition of freedom in section 3.3.7.)

### **3.3.5 Freedom as autonomy**

Philosophically autonomy means the human will governed by its own laws in accordance with conscience or will. Hence, an autonomous person obeys his/her own conscience, or better self. In doing so, that person is his/her own master and consequently free. Autonomy in political life means that people are not compelled to act against their consciences. A person is not subject to the demands of others, except those approved by that person. A person is bound by his/her own law (Ross 1952:103). In Sartori’s (1987:319) view, autonomy semantically relates to “internal, not external, liberty, on the power to will, not the power to do”.

According to Levine (1981:18) Rousseau and Kant understood freedom “as *autonomy*, as rational self-determination. One is free to the degree that (practical) reason is in control, unfree – heteronomously determined – otherwise”. Autonomy, in Kant’s (1949:187) view, refers to the will which is “a law unto itself”. One is free to the extent that one obeys that will. This will refers to inner freedom. If the will

obeys something external or heteronomous to it, one is said to be unfree (Kant 1949:188; 225-226). The law is independent of substantive considerations. This independence is freedom in the negative sense and self-legislation or rule of pure practical reason is freedom in the positive sense (Kant 1949:226). Kant distinguished between internal and external freedom. Internal freedom, in contrast to the issue of external coercion involving the political realm, is a moral freedom – the question of whether people are free in relation to their conscience (see Sartori 1962:299).

Sartori (1987:310) is doubtful about the correctness of associating or equating freedom with autonomy with Rousseau. For Rousseau freedom meant submission to laws made by the people themselves in a unanimous direct democracy. His notion of democracy was small – one in which everybody participates. “Man is free because, when Laws and not men govern, he gives himself to no one ... he is free because he is not exposed to arbitrary power” (Sartori 1962:299).

Rousseau related autonomy to the social contract in which each party to the contract submits to freely accepted norms. Autonomy had nothing to do with democratic freedom, or political, or juridical freedom (Sartori 1962:298-299). Autonomy as an expression of political freedom ended with the ancient democracies. Aristotle (1972) saw freedom as the foundation of the democratic constitution, the freedom shared by all in the constitution, by “[r]uling and being ruled in turn” (Aristotle 1972:236-237). This self-government can be interpreted as autonomy, but it is hardly protected freedom as laws and justice were dependent on majority approval; the law of numbers. To speak of autonomy in this connection as progressive democrats do, represents the “oldest and most obsolete formula of liberty” (Sartori 1962:300). Only extremely small city states can solve the problem of political freedom (by means of ruling and being ruled alternately), and not large modern states (Sartori 1962:300-301). The use of the term ‘autonomy’ is thus not new, but it is obsolete (Sartori 1987:317).

Freedom as autonomy, however, is generally still regarded as the democratic definition of freedom and as an ideal. It is a good thing for people to control their own lives, or rule themselves. It is connected, according to Harrison (1993:162), to democracy because democracy values self-rule:

If I am autonomous, I rule myself. I give myself my own laws. Yet the central idea of democracy is also self-rule. In democracy the people rule themselves.

In other words, autonomy as self-government means the freedom of the people to determine their own actions.

Sartori (1962:303) argues that substituting autonomy for self-government, which is empirically verifiable, only obscures the notion of autonomy because after the terminological manipulation of the idea of autonomy by philosophers (for instance, Rousseau, Kant and Hegel), it can be used to show that people are free when they are not. The democratic deontology is correctly expressed in the ideal of self-government and not autonomy.

The connection between autonomy and democracy is further elucidated by Ross (1952:104) who views democracy (a type of government) as providing citizens with the greatest political freedom understood as autonomy. Maximum political freedom is practically achieved by the majority principle. (The prerequisites for the majority principle include the freedom of expression and association.) Ross (1952:111) regards the majority principle as “the formal, the legal, and criterion of democracy”. An objection here is that procedures and institutions may promote freedom, but the primary purpose of the principle is decisionmaking, and not so much the furthering of freedom.

Citizens are arguably still subject to an external authority which commands obedience. Autonomy and authority, based on consent and unanimity might have been compatible in the direct democracies of the ancient Greeks. In modern times autonomy and authority are believed to be compatible in representative liberal democracies governed by the majority principle. Autonomy requires acceptance of the majority principle and the necessity of decisionmaking, as well as the possibility “that people are to be perfectly entitled to damn themselves” (Harrison 1993:163) by making wrong decisions. Autonomy might be lost if people voted a dictator into power, ironically resulting in the freely chosen loss of autonomy (Bowie & Simon 1977:22).

The problem is that even though citizens make their own laws and contribute to the making of laws, laws are imposed externally. Once citizens are bound by the decisions of the majority to that extent they lose their autonomy. Whereas previously they made their own laws, they are now subject to laws made by others (Harrison 1993:163). The spectre of majoritarian tyranny is raised when the autonomy of the minority is decreased and their interests are sacrificed to those of the majority (see Mill 1991:77,144-145).

Anglo American democratic theory in general (with the exception of those theories that draw more on Rousseau than Locke) and the liberal democratic model in particular makes no provision for freedom as autonomy, or freedom as “rational self-determination” (Levine 1981:18), as arguably promoted by Rousseau and Kant. Freedom instead is apparently seen as a social relation between persons in the sense of acting or refraining from acting in a certain way as far as others are concerned (see Oppenheim 1961:4,5). The notion of a person being ‘forced to be free’ in accordance with the dictates of reason, and hence what a person “*really* wants as a rational agent” (Levine 1981:18-19) is foreign to liberal democratic thought. To force a person to be free, or to coerce a person means that that person is unfree – deprived of freedom (Berlin 1969:12).

Continental democratic theory (which is rooted in Rousseau’s ideas) or rationalistic democracies in Sartori’s (1962:303) view have adopted the ambiguous philosophical notion of freedom as autonomy. This only distracts attention from the practical problem of achieving freedom through curbing state compulsion – the general problem of freedom as well as the democratic problem of freedom. Freedom as autonomy in this instance encourages the understanding of freedom “as passive conformity and subservience” (Sartori 1962:303).

In politics, from the outset, the problem of freedom was the problem of coercion, of protection from coercion. Coercion and freedom are contraries, but coercion is not a contrary of autonomy. The contrary of autonomy is heteronomy which means displaying a lack of character, passivity and anomie, all of which relate to a person’s inner self. A person can be coerced (externally) and remain autonomous (internally).

This is why it is stated that force cannot extinguish “the spark of freedom” in human beings. On the other hand, a person may not be subject to coercion and yet be “non-autonomous” in the sense of being “incapable of self-determination” (Sartori 1987:319; see Berlin 1969:122). Freedom as the absence of coercion deals with action, and autonomy with will. The political sphere “concerns volitions *in so far as they are actions*, not pure and simple will. The internal problem of freedom of the will is not the political problem of freedom, for the political problem is the external problem of freedom of action” (Sartori 1987:318). Autonomy (internal freedom), as mentioned previously, does not solve the political problem of external freedom.

Autonomy clearly is not *the* (own emphasis) democratic freedom. “Liberty from, and freedom as autonomy, cannot be substituted for each other; nor is autonomy the ‘positive’ liberty because it is not a political freedom at all” (Sartori 1987:320). Freedom interpreted as autonomy does not deal with politics. If autonomy is inapplicable to political freedom, autonomy (self-rule) seems to be incompatible with any type of regime, including democracy. Furthermore, there is no logical or necessary connection between autonomy and democracy. Error arises when the philosophical problem of freedom (internal freedom) is confused with political freedom (external freedom).

### **3.3.6 Freedom as self-determination**

Interpretations of freedom as self-determination are applicable to social and political contexts. For Oppenheim (1961:4,5) freedom constitutes the extent to which individuals and groups interact in society, that is, they are free to act in certain ways. In the same vein Holden (1988:18) locates freedom in a social context:

The term ‘individual liberty’ then refers to the freedom of individuals with respect to their social – and particularly their political – environment. ‘Freedom’ we can say means self-determination: the free individual is the one who determines his or her own actions.

Freedom as self-determination is also interpreted as internal freedom and is closely related to rational freedom. “The individual is self-determined when his or her



actions embody reasoned decisions and are more than reactions to the desire of the moment” (Holden 1988:26-27). The meanings of self-determination are not as clear cut as they seem since “[d]ifferent accounts of freedom arise from differing accounts of the nature of self-determination, the environment of the individual and the ways in which this environment does or does not interfere with individual self-determination” (Holden 1988:18).

### 3.3.7 Freedom as ‘the recognition of necessity’

Marxists, according to Cranston (1967:39), define or rather redefine freedom as “‘the recognition of necessity’”. This redefinition is arrived at dialectically by first defining freedom as the antithesis of necessity, then resolving the antitheses to make freedom embrace necessity. Dixon (1986:14) provides a related Marxist notion of freedom as consisting in “identifying with the necessary direction of history and with one’s inevitable role as participant in the class struggle”.

Marx thought that people are always subject to “the economic realm of necessity and that the development of this realm is the precondition for the advance ... towards the realm of freedom” (Loewenstein 1980:169). Free human activity, an end in itself, then begins when labour determined by necessity ceases. This freedom (from alienation) is emancipatory in nature, and is clearly of a different order than economic labour which is always necessary. The relation between freedom and necessity is complex and contradictory as freedom can be achieved or is possible only beyond the economic realm of production. Historical laws determine the economic order, but they are not applicable to human development or self-realisation and freedom (Loewenstein 1980:86-90). Nevertheless, once alienation (understood as unfreedom) from the capitalist mode of production which treats people as mere commodities, is overcome, presumably by socialism, which is the forerunner of communism, freedom is achieved. As Gray (in Paul, Miller Jr et al 1986:173) observes:

The freedom that men attain under socialism is ... freedom from autonomous social forces and laws, a freedom which they *have* with the abolition of capitalist

commodity production and which they *exercise* in the conscious planning of production.

The freedom of socialism is not the liberal (negative) freedom from external non-intervention, or non-coercion, but the freedom of “collective self-government through rational planning of economic and social life. Marxian freedom is the other face of the idea of alienation as the loss of self in domination by impersonal social laws and forces” (Gray in Paul, Miller Jr et al 1986:185; see Femia 1993:38).

Freedom it seems consists of conforming to predetermined social roles and assumptions. It is not difficult to envisage that nonconformists, critics and dissidents, could in practice be ‘forced to be free’ (Femia 1993:37; see Levine 1981:18-19; Bowie & Simon 1977:139). In this regard Marx reinterpreted aspects of Hegel’s and Rousseau’s philosophies, particularly Hegel’s conception of history, and Rousseau’s notion of an infallible general will. Marx believed that the general will would be realised in the ‘true’ or ‘real’ democracy; a direct or people’s democracy without individual rights (Loewenstein 1980:49-50).

Ontologically, social determinism by seeing human beings as the outcomes or product of social forces, ignores individual human identity, interests, experiences, and leaves no room for human freedoms and rights. Freedoms and rights seem to be irreconcilable with social determinism, as well as the notion of an autonomous human being whose life is a value in itself (see Femia 1993:158-160; Marx 1843-1844 ‘*On the Jewish question*’; Loewenstein 1980; Friedman in Paul, Miller Jr et al 1986). Instead individual human beings are ‘species-beings’ with no separate existence from the collective or the community. Individuals may develop their potentialities, may realise themselves in the future communist society, as long as their aims are not at variance with the needs of the collective (communist society) (Femia 1993:162).

If social determinism is assumed, there is no reason to believe that individuals have their own preferences; they are imposed. In the face of indifference or disagreement Marxists only have to identify the forces or agencies responsible for distorting the wants of the people. Thus Marxists are in a position to distinguish the actual and the

‘real’ interests of the people. There seems to be no reason why some vanguard or dictatorship (of the proletariat) cannot claim to be imbued with special knowledge, and can take decisions and act on behalf of the proletariat. There also seems to be no reason why this dictatorship would tolerate opposition (Femia 1993:165). Coercion is still coercion, even if it is in the people’s interest and aimed at satisfying their wants under certain conditions. It cannot be seen as forcing people to be free, as such a Rousseauian argument “confuses satisfaction of rational wants with freedom” (Bowie & Simon 1977:139). Furthermore, coercion and freedom are opposites, not freedom and necessity. Interpreting freedom as the opposite of necessity amounts to semantic distortion.

Social determinism also confuses freedom with poverty. If a lack of material resources is due to a lack of mental or physical capacity, or poverty, this is perceived by Marxists and socialists as a deprivation of freedom (Berlin 1969:123). It must be reiterated that freedom is freedom and that poverty is poverty; the two should not be confused. It is difficult to see how the lessening of the freedom of some can materially increase the freedom (whether social or economic) of the poor.

### **3.4 THE EMPIRICAL MEANING OF FREEDOM**

Freedom in a political sense has historically been an empirical concept. The meaning of political freedom has remained the same in referring to the absence of external constraint or coercion. Political freedom is characteristically negative – freedom from, not freedom to – positive freedom (Sartori 1962:282). Political freedom is an external freedom, not an internal freedom. Sartori (1962:282) describes political freedom as “a permissive , instrumental and relational freedom ... it is a liberty whose purpose is to create a situation of freedom – the conditions for freedom”. Hayek (1976:20) argues that a person cannot be coerced by others if the following conditions for freedom exist: a person is subject to the same laws and enjoys the same legal status as other citizens; a person is immune from arbitrary arrest and confinement; a person is free to choose whatever work he/she wants to do; and a

person is able to acquire and own property.

In political terms freedom, as pointed out previously, is generally understood because the constraining element from which that freedom is claimed is better understood. Freedom for the ancient Greeks meant not being subjected to a despotic ruler, which was seen as the power of a master over a slave. Freedom was a matter of status and amongst others the ability to own slaves and participate in the political process (Stirk & Weigall 1995:135). Freedom was compatible with the authority of the citizens over the individual, provided that authority was exercised according to law and not the will of a despot. Plato, for instance, saw political freedom as the goal of democracies which led to the rule of demagogues who exercised arbitrary and absolute power over their subjects. Plato argued instead that “only virtuous action is fully voluntary” (Miller 1987:163). Plato’s notion of freedom can be seen as a positive interpretation of freedom which was later developed by philosophers (for example, Kant) and interpreted as internal (moral) freedom. According to Cranston (1967:7-8) *libertas* or liberty during the times of the Roman kings meant freedom from the rule of kings. After the abolition of the Roman monarchy ‘libertas’ took on another meaning – that of popular government embodied in the republican constitution. The ancient Greek and Roman notions of freedom, however, with its emphasis on politics had nothing to do with the modern idea of individual freedom and the absence of political coercion and intervention.

As pointed out previously, some philosophers have redefined freedom and obfuscated its meaning. By interpreting freedom as self-government, self-determination and autonomy, internal freedom became associated with positive freedom, freedom *to* (own emphasis). Positive freedom with its emphasis on autonomy or self-determination is these days “equivalent to democracy – a people is said to be free if it is self-governing, and unfree if it is not” (Heywood 1994:203). This view of freedom is espoused by variants of Continental democratic theory and models like people’s democracies, as well as by socialists and welfare state liberals.

In contrast Anglo American democratic theory and liberal democracies tend to interpret freedom externally and negatively as the absence of coercion. According to

Hayek (1976:21,133) coercion means that a person's circumstances is controlled in such a way by another, that a person is forced to act in accordance with another's aim instead of his/her own. Berlin (1969:122) initially described coercion as implying "the deliberate interference of other human beings ", but later modified his position by stating that freedom may be impeded intentionally or unintentionally. Only deliberately intended acts amount to coercion (Berlin 1969:xi). (Also see Bowie & Simon's (1977:160) contention that constraints need not be deliberately imposed, but could include accidental and unintentional constraints.)

The threat of force or violence, however, is the main but not the only vehicle of coercion (means of coercion also included, for example, manipulation, malice and psychological pressure). Governments, and not individuals or groups, have the greatest capacity to coerce individuals and groups by various means, including legal measures and imprisonment. Law in a certain sense can be seen as a main obstacle to freedom in that freedom is limited only to what the law or others deliberately prevents a person from doing. For this reason much of Anglo American democratic theory and liberals favour the restriction of governmental powers to the maintenance of law and order, and the protection of citizens from external threat. Citizens as the weaker party, require measures to protect them from abuse by the government. The relation between them and the government is unequal. Hence, negative freedom (freedom from) precedes and is necessary to achieve positive freedom in order to pursue their activities and goals. As Sartori (1987:304) states, "[o]nly if I am not prevented from doing can I be said to have the power to do it" and "we need freedom *from* in order to achieve freedom *to* ...".

The notion of negative freedom is based on the rationality of individuals. Individuals are best able to identify their own interests, make their own decisions without coercion or interference by others. On the other hand, positive freedom assumes that human nature is sociable and cooperative. The possibility exists that people may not be allowed to simply act upon their choices to seek self-fulfilment (Heywood 1994:206).

The main distinction between positive freedom and negative freedom then is that

positive freedom is concerned with the question “Who governs me?” whereas negative freedom focuses on the question “How far does government interfere with me?” (Berlin 1969:130). The issue is how much power is exercised, not who yields power. Negative freedom is neither incompatible with the rule by a benign despot nor democracy. On the one hand though democracy might deprive citizens of many freedoms and on the other hand it might protect freedom better than other regimes. There is, however, no logical or necessary connection between negative freedom and democracy.

The redefinitions of freedom often give it external meanings which have resulted in the use of the term in many different and inappropriate senses concerning different issues. Two main issues concern the distribution of material resources and the extension of governmental powers. Adherents of positive freedom like welfare state liberals, socialists and Marxists are enabled to argue that a person is rendered unfree, for example, by social circumstances, the lack of material resources, money, poverty, law and disability. It must be stated clearly that these things do not concern the nature of freedom itself, but obstacles which are thought to impede freedom. Positive freedom as the ability of people to act and realise themselves is more concerned with the distribution of material resources than freedom. A positive notion of freedom also justifies the extension of governmental powers to welfare provision and economic intervention. It is believed that the freedom of people are thereby promoted; they are empowered and freed from the hazards and risks of socio-economic life (see Heywood 1994:203,204).

The perceived impediments which render people unfree imply something quite different than the negative sense of freedom as the absence of coercion by others. Whether people are rendered unfree by obstacles or the availability of choices, furthermore, are contentious issues.

Hayek (1976:13) argues that the number of choices and available opportunities are important but that a person’s freedom does not depend on the number of available choices or courses of action. “Whether or not I am my own master and can follow my own choice and whether the possibilities from which I must choose are many or

few are two entirely different questions” (Hayek 1976:17). Freedom rather depends on whether a person can act according to his/her intention or whether another person has the capacity to manipulate the situation to make that person act in accordance with a will other than his/her own. Freedom presupposes that a person has a private sphere with which others cannot interfere.

In Harrison’s (1993:172) opinion a starving person or a person who works all the time for food has no choices, and hence unfree to that extent. Ross (1952:100) disagrees and believes that even in extreme coercive situations, for example, where a person is threatened with torture if that person does not disclose vital military secrets, that person still has a choice, but whatever choice is made entails an act under compulsion. According to Hayek (1976:21,133) a coerced person still exercises choice in choosing the lesser evil in a situation forced on that person, but is unable to use his/her knowledge or pursue his/her goal.

A person lacks political freedom only if he/she is prevented from achieving a goal by others. The incapacity to attain a goal cannot be seen as a lack of political freedom (Berlin 1969:122). For example, if a person is too poor to buy bread, or to afford something which is not subject to legal sanction, an extended holiday, or recourse to courts of law, cannot be seen as a lack of freedom, least of all political freedom. Yet it is argued that such a person is as little free to obtain things as he/she would be if it were forbidden by law (Berlin 1969:122-123).

In a political sense people are not free to choose if there are no alternatives to choose between or if they are physically coerced or intimidated (Mayo 1960:237-238). To determine how much is open to human choice a distinction must be made between natural causes, and the naturally given which must be accepted, and that which is made by human beings and subject to change. Mayo (1960:239) observes that because people are subject to the natural laws of biology, physics and chemistry, it does not logically follow that they cannot enjoy freedom in social and political life. It is unreasonable to argue that the naturally given determines human choice, (some argue that aptitudes limit choice of careers – see Ludovici no date: 87), the naturally given is irrelevant to constraints imposed by others. The range of free choice

increases with increased knowledge and mastery of nature (Mayo 1960:239).

Furthermore, people may be free in a political and legal sense, but they are always subject to restraints imposed on them by society whether it be custom, a value system or social and economic factors. Social life is only made possible by renouncing some measure of freedom of action. Freedom of action is restrained by government, by law, by social values, norms and customs (Mayo 1960:239). Political, economic, social and legal restrictions on freedom, however, may not be perceived as such and even enjoy legal sanction (see Mayo 1960:239-240 footnote).

Political freedom (as a relation) among people is an empirical concept and the only infringement on freedom is coercion by others. This also means that the range of alternatives open to choice is not directly relevant to freedom (Hayek 1976:12). Freedom must not be misrepresented as the power to; the individuality and personal growth of people do not constitute freedom, both of which are the consequences of freedom. Freedom is erroneously and all too often mistaken for power or opportunity (Heywood 1994:205).

### **3.5 THE LEGAL MEANINGS OF FREEDOM**

Freedom as a legal concept has various meanings and contexts.

For Graham (1986:38) freedom can be seen as a formal or legal concept when freedom (in the negative sense) as the absence of constraint is secured by formal or legal measures. These act as a deterrent against those who might deprive others of their civil liberties and rights. Graham's (1986) exposition is particularly descriptive of the Lockean stream in Anglo American democratic theory. The legal system of the Western world follows from the notion of freedom as an external freedom, the absence of coercion.

In the above context, law is conceived of as general and abstract rules which apply equally to all. Citizens are not subject to the will of others and are therefore free.



Laws apply equally to the government and to the governed without exception (Hayek 1976:154-155). This interpretation of law is both formal and substantive. Laws as abstract rules are enacted by legislatures.

The legislative conception of law as command or order, however, as found in Continental democracies or Sartori's (1962) rational democracies which draw on Rousseau's notion of laws as expressions of the general will (see Holden 1988:79) hold the danger of oppression. In this instance lawmakers rule and enforce their will. Their commands or orders are perhaps mistakenly seen as 'formal' because they emanate from the legislature. The difference between the two conceptions of law lies in the nature of the rules rather than the origin (Hayek 1976:155-156). Law as command or order as enacted by the legislature through majority rule tends to undermine political freedom and promotes tyrannical rule where the laws do not provide protection (as happened in ancient Greece).

Apart from the legislative conception of law, which was the Greek way, freedom under the law according to Sartori (1962:288) can be understood in two further ways. The first is the Roman interpretation of the law which resembles the English rule of law. The rule of law understanding may be inadequate or too static to protect freedom in a political context. The second is the liberal interpretation of the law which pertains to constitutionalism. The liberal constitutional understanding retains the advantages of the legislative and the rule of law conceptions, while overcoming their disadvantages. The rule of law (separation of powers) is retained while the rule of legislators is limited by the method and range of lawmaking. The latter restrictions protect human rights affecting the freedom of the individual (Sartori 1962:290).

Sartori (1962:291) regards past and present constitutional systems as liberal systems. Constitutionalism, furthermore, is "the solution to the problem of *political* freedom in terms of a *dynamic* approach to the juridical conception of freedom" (Sartori 1962:291). This is the reason why political freedom cannot be mentioned without referring to liberalism, and not to democracy. (The political freedom enjoyed today is the freedom of liberalism and not the precarious freedom of the ancient democracies.) The democratic deontology contains the notions of equality, self-

government, a regime where all people enjoy equal powers, equal law, but not freedom.

In Sartori's (1962:288) view freedom in a political context has always been linked with the issue of legality because it involves the problem of limiting power "by making it impersonal". Law must be placed above people to avoid oppression by the government. Hence, there is a special relation between political freedom and juridical freedom.

### **3.6 THE LOGICAL MEANING OF FREEDOM**

Treating freedom as a logical problem concerns representation, political participation and elections, presumably through which freedom as autonomy is achieved. It is assumed that all people participate in electing a legislature and, hence, the people themselves make laws or contribute to policy decisions. Similarly, it is asserted that when a person represents a large number of people in the legislature, the representative makes those he/she represents free because those represented obey the norms that they have chosen (although the possibility exists that the representative opposes or does not support those norms). These arguments are misleading and Sartori (1962:305) calls them "mental gymnastics in a frictionless interplanetary space". Infinite consequences or effects are inferred from elections and participation.

From the premise that continuous participation of the citizens in the self-government of a small community produces freedom as autonomy, it is erroneously concluded that the same degree of participation will produce the same result in a larger community. Too many consequences or effects are inferred from participation.

The same applies to linking elections with representation. Although elections produce representative results, too much is inferred from elections. The greater the number of people who are represented and the greater the number of issues involved, the further removed the representative becomes from the will of the people. As Sartori (1962:305) observes, "the more we demand of representation the less closely

are the representatives tied to those they represent”. Representation should not be treated in such a way that people believe, by means of logical demonstration, that they are free when they are not (Sartori 1962:305-306).

Although elections, representation and political participation are generally accepted as characteristics of democracy, representation can exist without elections (as in medieval times) and elections by themselves do not produce representatives (as autocratic leaders can be elected). Nevertheless the way in which they are interpreted and used will ultimately determine their effectiveness in promoting freedom in a negative sense. Elections, representation and participation as part of the democratic process are a means to freedom, “but they are not identical with freedom itself” (Hallowell 1954:65). Freedom then is neither a logical concept nor should the issue of freedom be treated as a logical rather than a political problem (see Sartori 1962:304).

### **3.7 THE MEANING OF FREEDOM AS AN IDEAL**

Freedom as an ideal is interpreted in various ways. The ideal of freedom is often regarded as a very desirable state of affairs which is possible of achievement. Freedom is also a good thing which people desire and need to obtain. It is likely though that there are people who do not value freedom; or cannot see how it can benefit them; or will give it up for something more valuable. Some may also feel that it is a burden (Hayek 1976:17-18).

Freedom in the sense of autonomy, according to Harrison (1993:169) is “a good thing because it is intrinsically good for people to be able to have control of their lives”. Freedom as autonomy is regarded by many as a democratic ideal, but it is doubtful whether it is compatible with democracy. As stated previously, Sartori (1962:303) believes that the democratic deontology is expressed in self-government and not the ideal of autonomy.

Although freedom is usually regarded as a good, serious disagreement exists on the nature of freedom (Miller 1987:163). Lack of understanding of the nature of freedom

leads to confusion and uncertainty about the difference between the ideal and practice. (The relation and gap between the ideal (theory) and the real (practice) was discussed in Chapter 2, section 2.4.) The normative clearly must not be confused with the empirical. Although there is a connection between the two, a distinction must be made between the sense in which they must be kept separate and the sense in which they are complementary and interdependent. In the first sense it would be a mistake to use a fact to affirm or reject a value and vice versa. Here facts and values have to be dealt with separately. In the second sense, it would also be a mistake to treat a matter or a case either in terms of facts or description, or in terms of values or prescriptions. Both facts and ideals are needed to provide a picture of the whole (Sartori 1962:38).

It is sometimes argued that ideals are not meant to be realised in practice. Attempts will fail and therefore the ideal is worthless (see Hallowell 1954:21). On the other hand, it is argued that if the practical application of the ideal fails, the ideal is not at fault. Ideals guide reality but they are not meant to be that reality. Ideals counterbalance practice with a “value tension” (Sartori 1962:64-65). Tension exists between facts and values as there is a gap between the ideal and reality in which the ideal has to function. As mentioned previously, for Sartori (1962:65) ideals are not designed to be realised in practice, but to challenge practice.

### **3.8 THE DESCRIPTIVE AND EMOTIVE MEANINGS OF FREEDOM**

Cranston (1967:3) distinguishes between the “descriptive” and “emotive” meanings of freedom. The distinction points to the value-laden nature of the term. Apart from generating warm or favourable feelings, the terms ‘free’, ‘freedom’, mean very little descriptively without indicating the context – the situation, impediment or constraint. The context varies among different languages and cultures.

The descriptive meaning of freedom varies with the context while the emotive meaning remains fairly constant. “Descriptively it may have any one of a vast range of possible meanings. Apart from a particular context (and not always in its context)

there is no knowing precisely what ‘freedom’ may refer to” (Cranston 1967:16).

Language is not value-free; terms contain evaluative aspects which are interrelated with descriptive elements. This is generally recognised by scholars, authors and politicians alike, who consequently make use of two main strategies.

Firstly, the descriptive meaning may remain unchanged while de-emphasising, playing down or lessening the emotive meaning. Conversely, the emotive meaning may remain unchanged while the descriptive meaning may be used to refer only to favourable or selected aspects of a term (Cranston 1967:14). In this context Sartori (1970:1041) refers to the stretching of concepts by extending the denotative meaning (extension) while obfuscating the connotative meaning (intension).

However, although the descriptive or conventional and emotive meaning of terms often change, they need not change simultaneously. One meaning may vary while the other meaning remains constant. This is the reason for distinguishing between the two types of meaning (Cranston 1967:14; see Stevenson 1944:71).

Although it is important to distinguish between descriptive and prescriptive meanings, they coexist and the one cannot be replaced by the other. What freedom is cannot be absolutely separated from what it should be.

### **3.9 THE RELATIONS BETWEEN FREEDOM, LIBERALISM, SOCIALISM AND DEMOCRACY**

Although it appears that examining the relations between freedom and democracy is limited to conceptual analysis, this is strictly speaking not the case. It also involves empirical questions about the practical functioning of social and political processes. The focus is not solely on conceptual relations. Holden (1988:36) makes the point that “the logic of concepts works itself out in the social and political world, and conceptual tensions become real-world tensions”. People are influenced by ideas and the logic of ideas. Consider, for example, the ways actions are realised by the ideas

of democracy, liberalism and socialism as contained in their respective ideologies.

In order to examine the relations between freedom and democracy one should first look at the relations between liberalism and democracy, and between socialism and democracy as these underpin the relation between freedom and democracy. It is also appropriate to clear up some conceptual confusion.

As stated in the previous chapter, democracy (in its etymological sense) historically preceded liberalism. In modern times liberalism preceded democracy and forms the basis of liberal democratic systems. Ancient democracy and liberalism have often been regarded as antithetical. The Greek democrats were ignorant of the notions of natural rights and limitations on the powers and functions of governments (Bobbio 1990:31). Democracy in modern times is compatible with liberalism, in Bobbio's (1990:31) view, provided that democracy is understood in a procedural (juridical-institutional) sense rather than in a normative way as espousing the value of equality. Historically democracy interpreted formally as government by the people (the procedural meaning) or popular sovereignty is linked with the formation of a liberal political order.

The term 'liberalism' is derived from the Latin word *liber* which means free. As in the case of democracy there is little agreement about the meaning of liberalism. It has been characterised as a political philosophy (including theories of value), a political theory (concerning the problem of political authority, power and freedom, with the emphasis on freedom as a primary value), and an ideology. Sartori (1962:364) regards liberalism as "the theory and practice of individual liberty, juridical defense and the constitutional State". The constitutional state was a minimal state as its purpose was "to uphold a liberty *against*, or *from* government" (Sartori 1962:364).

The meaning of liberalism and democracy in the past has often been confused with each other. This practice has led to liberalism being used arbitrarily in two senses to refer only to liberalism, or to democratic liberalism. Thus, various liberalisms are referred to including social liberalism, and welfare liberalism. Such labels are not very helpful. In so far as liberalism is connected with democracy as expressed by the

term 'liberal democracy' liberalism in its pure form should be considered (Sartori 1962:354-355).

For Bobbio (1990:81-82) the confusing of liberalism and democracy raises two problems. As a political doctrine liberalism first and foremost concerns the limitation of governmental power, while democracy focuses on the issue of who governs and the kind of procedures used. In this regard Hayek (1976:103) eloquently makes the point that liberalism (in its European nineteenth century meaning) requires that "the coercive powers of all government" including that of the majority must be limited. Democracy, on the other hand supports majority opinion as the only limit to the powers of government. The difference between the two ideals or principles is clarified when "we name their opposites: for democracy it is authoritarian government; for liberalism it is totalitarianism" (Hayek 1976:103). The two need not exclude the opposite of the other. In principle a democratic order may be totalitarian and an authoritarian regime may further liberal principles. Bobbio (1990:1) points out that a government acting on liberal principles need not necessarily be democratic. Historical examples exist of liberal regimes which limited political participation to certain sectors of the population; usually the wealthy. On the other hand, a democratic regime need not necessarily act on liberal principles.

According to Kuehnelt-Leddihn (1974:33-34) if a democracy is liberal the interests of the minority will enjoy the same respect as that of the majority. But not only democracies can be liberal. Even a monarchy, including an absolute monarchy, or an aristocratic (elitarian) regime can be liberal. By modern standards monarchs like Louis XIV, Frederick II or George II were liberals. None of them had the power to enact and enforce, for example, laws of conscription, prohibition and taxation so characteristic of democratic regimes all of which undermine the freedom of citizens. Even absolute monarchies never exhibited the monolithic and totalitarian tendencies inherent in democracies. Democracies have a tendency to increasingly centralise power in the hands of the representatives of the people (absolute monarchs never had this power). It appears that democracy and totalitarianism are not mutually exclusive terms. Tocqueville (1966) also refers to the totalitarian tendencies of democracy. The danger exists that "democratic governments have more power than others but less

wisdom” (Toqueville 1966:773 appendix vi). The unwise use of power may lead to totalitarianism. It is evident then that “the affinity between democracy and liberalism is not at all greater than between ... monarchy and liberalism or a mixed government and liberalism” (Kuehnelt-Leddihn 1974:34).

Liberal democratic theory attempts to reconcile liberalism and democracy although there seems no reason why they should co-exist easily. The liberal element (particularly in the Anglo-Saxon view) is associated with limited government, individual rights and the greatest extension of individual (negative) freedom, and above all, immunity from coercive governmental intervention. The democratic element holds collective decisionmaking (at least indirectly) as a function of individual choices among available options. To the extent that both elements are fulfilled, they are both liberal and democratic (Levine 1981:1-3). Liberalism and democracy, however, in Hayek’s (1976:106) view differ “on the scope of the state action that is to be guided by democratic decision”.

Another problem is that liberalism is used to designate a political party or movement, or given a historical meaning. This distinction is not superfluous because it means different things to different people in different countries. For instance, there is a very uncertain connection between liberalism and present day people who call themselves liberal. A liberal in America would not be regarded as a liberal in European countries, but as a left-wing radical. Conversely, an Italian liberal in America would be labelled a conservative. Thus an American and an Italian liberal would represent opposites and a British liberal would represent some middle point without resembling either of them (Sartori 1962:355). This confusing issue is highlighted by Cranston’s (1967:47) distinction between English, American, French and German liberalisms and all their ramifications (also see Bramsted & Melhuish 1978:xvii). Historically liberalism has varied in different periods and countries. Sartori (1962:364) is cautious about Cranston’s multiplying of ever more ‘liberalisms’. By the same token not one but many democracies also exist and each of these change over time. Democracy, however, is often spoken of in the singular and it is admissible to treat liberalism in the same way “provided that the basic historical idea conveyed by this term is not confused with its local and sectarian varieties, or with



its composite and ever changing stages” (Sartori 1962:364).

The difficulty of a clear distinction between the party meaning and the historical usage may be partially ascribed to the complexity of identifying the historical features of liberalism. It is thus necessary to locate liberalism in history in order to understand it (Sartori 1962:355-356).

Liberalism as a doctrine in the West, preceded the term ‘liberalism’. The term, according to Sartori (1962:357) was first used in Spain in 1810-1811, more than two centuries later than the doctrine. Between the sixteenth century and the twentieth century, liberalism, although having no single particular meaning, pervaded European experience. Its success, except in England, was short lived. In England democracy followed the Lockean variant of liberalism which was transplanted to America. In France the liberalism of Constant and Tocqueville ended with the Revolution of 1848. Here democracy, drawing on Rousseau’s democratic rationalism, preceded the liberalism of Constant and Tocqueville (Sartori 1962:358,367). Hayek (in De Crespigny et al 1976:55), however, argues that liberalism in England, which stressed individual freedom under the law, spread to the Continent and provided the basis of the American political tradition. Continental European liberalism, from which the American variant (arguably) developed must be kept distinct from classical liberalism. Continental liberalism or neo-liberalism, although attempting to emulate classical liberalism, ended up by advocating the extension of governmental powers and not its limitation. Continental liberalism (in the tradition of the French Revolution which ended the liberalism of Constant and Tocqueville) became the ancestor of modern socialism.

These two arms of liberalism seem to be irreconcilable. The extension of governmental power and the participation of everyone in collective decisionmaking, subordinates the individual to the “authority of the whole” (Bobbio 1990:2). On the one hand, naturally autonomous individuals have the object of limiting governmental power and on the other hand autonomy has to be realised positively through governmental action in the political and socio-economic spheres. Autonomy perceived as a product of certain conditions can be seen as heteronomy in which

instance individual actions are determined by an agency beyond the control of individuals (Hindess 1993:309).

It should be pointed out that Sartori (1962:365) rejects the distinction between classical and new or neo-liberalism as “immaterial and misleading” because new liberalism is used to refer to liberalism without economic *laissez faire*, thus confusing a political problem with an economic one. Although there is a connection between economic and political freedom, liberalism does not pertain to a market economy. For example, if the welfare state is understood as meaning that economic security is preferred to political freedom such a development may be democratic but one in which economic demands have eroded the liberal element. In this case the use of the term ‘new liberalism’ amounts to abuse (Sartori 1962:366).

Liberalism, as a developed doctrine, emerged in the early nineteenth century. (Liberal principles and theories had gradually developed during the previous three hundred years.) The liberal notion of an autonomous individual was a product of the Renaissance and the Reformation. Liberalism attempted to address the question of the relationship between political authority and individual autonomy and between state and society. The main premise and end of liberalism was individual freedom, freedom from all arbitrary restraints whether political, social, economic, intellectual and religious (Hallowell 1954:69,70). The problem of individual freedom was both practical and theoretical. The main problem was the relation between the individual and political authority.

Since the breakdown of feudalism and the subsequent emergence of a capitalist or market economic system, liberalism and capitalism has been closely linked. Early liberalism was a political doctrine advocating constitutional government and later on representative government, individual consent and popular sovereignty.

Classical nineteenth century liberalism stood for *laissez faire* capitalism, the primacy of the individual (the individual is prior to the state), the absence of governmental constraints and non-intervention in economic activities, equality before the law (but

excluding equality of opportunity), freedom of expression and association.

According to Heywood (1997:41) welfare or social liberalism which furthered economic intervention and welfare reform emerged in the late nineteenth century. Sartori (1962:365) does not believe that new liberalism should be equated with welfare liberalism because this meaning considers the democratic development of liberalism relating to the contribution of democracy to liberalism as demonstrated by the label 'democratic liberalism'. Attaching labels to liberalism is permissible only if the meaning of liberalism is known otherwise confusion arises as to what extent social or welfare liberalism is actually liberalism.

Nevertheless, it was argued that capitalism generated new forms of injustice. Influenced by the work of J S Mill (1806-1873) persons like T H Green (1836-1882), L T Hobhouse (1864-1929) and J A Hobson (1858-1940) propagated positive freedom linked to personal development and well-being to achieve self-realisation. Positive freedom underpins welfare or social liberalism. The belief in *laissez faire* capitalism was abandoned mainly as a result of J M Keynes' contention that economic growth and prosperity could be maintained by means of regulation and government assuming economic responsibilities (Heywood 1997:44). Welfare provision and economic intervention characterised modern or twentieth century liberalism, thus linking liberalism with social democracy.

Liberalism in general gives priority to freedom (however defined) over all other goods or values. Negative freedom as non-intervention is mainly or completely associated with classical liberals, whereas welfare state liberals and socialists invoke positive freedom in the sense of participating in collective decisionmaking. Negative freedom though is not restricted to liberals since Bentham and Hobbes, who cannot properly be regarded as liberals, also supported a conception of negative freedom. As Gray (1995:56) explains: "There seems to be no necessary connection between holding to a negative view of liberty and espousing liberal principles, even if advocacy of the positive view has often gone with opposition to liberalism".

The relation between liberalism and democracy is very complex and neither one of

continuity, nor of identity (Bobbio 1990:1; see Sartori 1962:353). Bobbio (1990:48-49) identifies three possible relations between liberalism and democracy. Firstly, liberalism and democracy (as a type of regime) are compatible. They can coexist as a state and can be both liberal and democratic. Such a coexistence does not rule out the possibility of states being liberal but nondemocratic or democratic but nonliberal. The relation between liberalism and democracy is rather contingent or possible. Secondly, liberalism and democracy are necessarily related. Only democracy is able to realise the liberal ideal and only a liberal state can put democracy into practice. This relation involves necessity. (Historically, though, the relation has been contingent.) Thirdly, the relation between liberalism and democracy is antithetical. Democracy taken to its furthest limits destroy liberalism; or a democracy can only be fully realised once the ideal of a minimal state has been abandoned. An antithetical relation is one of impossibility.

For Hindess (1993:302) liberalism (in its original meaning) and democracy is incompatible on two counts which produce tension between them. As political doctrines liberalism prioritises limited government and democracy popular government, or to put it differently, liberalism aims at limiting governmental power while democracy seeks to expand it. Sartori (1962:371) states that the incompatibility of liberalism and democracy is evident when one considers that liberalism focuses on “the problems of political bondage, of individual initiative, and of the form of State”, whereas democracy attends to “the problems of equality, of social cohesion, and of welfare policy”. On the normative level, democracy is associated with liberalism when freedom is a value, while a democracy may not be liberal when equality is a value. This points to a tension in liberal democratic theory. The value of freedom is the basic element of ‘liberal’ in liberal democracy but it is not the basic element of ‘democracy’ in liberal democracy (Sartori 1962:354). The basic element is equality.

Throughout the nineteenth century liberalism and democracy represented mutually antagonistic doctrines and movements. Liberals directed their ire at the increasing incursions of the state which they interpreted as the consequence of democratisation. Democrats again challenged the continuation of political oligarchies and economic inequalities which they attributed to the slow pace of democratisation (Bobbio

1990:67).

During the early nineteenth century liberalism competed with democracy and socialism as political doctrines. Socialism (which has many meanings and variants) as a political doctrine, emerged in the early nineteenth century as a reaction against the development of industrial capitalism (Heywood 1997:49). From the outset liberalism and socialism, including the Marxist variant, have been antithetical. The main issue was economic freedom and private property. (Economic freedom guarantees the possession of private property and forms the basis of other freedoms.) Despite the many definitions of socialism in the nineteenth century one characteristic of socialism as a doctrine remains constant, namely its criticism and opposition to the possession of private property which is regarded as the source of human inequalities. Socialism favours the partial or complete elimination of private property as a social goal (Bobbio 1990:73,74). In Europe the doctrines of liberalism and democracy converged against socialism. Liberalism prevailed by absorbing democracy rather than democracy taking over liberalism. Democrats, excluding the radicals who adopted socialism, accepted freedom as an end and democracy as the means (Sartori 1962:361).

Socialism was reformed in the late nineteenth century to integrate workers into the capitalist system through the improvement of wages, working conditions and the organisation of trade unions and socialist political parties. The aim, in contrast with the revolutionary character of earlier socialism, was to implement socialism through legal and parliamentary means (Heywood 1997:49). Socialism generally aims at the more equal distribution of resources, although it also pursues the value of freedom.

From the second half of the nineteenth century the conflictual relation between liberalism and democracy was overshadowed by the opposition between the defenders of liberal democracy (who often united against socialists) and both democratic and nondemocratic socialists. These socialists disagreed on the efficacy of democracy particularly during the transition period that brought socialist parties into power. This, however, did not negate the belief that a socialist society furthers democracy in a way that a liberal society could not because of its association with

capitalism (Bobbio 1990:76).

During the twentieth century the socialist movement divided into two streams – the communist stream which followed Leninist ideas, and the reformist socialists who followed the constitutional parliamentary way and supported what became known as social democracy. The two schools differed on the means of achieving socialism and the socialist goal (Heywood 1997:49).

The relation between socialism and democracy involves compatibility and necessity. They are compatible on two points. Firstly, the process of democratisation fosters, or inevitably leads to a socialist society, based on the transformation of private property and the collectivisation of the primary means of production. Secondly, socialism is the only vehicle for increasing political participation and hence for the full realisation of democracy. Such a democracy holds the promise of an equal (or more equal) distribution of both political and economic power which cannot be achieved by liberal democratic means. These arguments provided the basis of the claim that the relation between socialism was one of necessity (Bobbio 1990:75). Adherents of social democracy regard democracy as the only means of achieving socialism, and socialism is the only way for fully realising the process of democratisation (Bobbio 1990:49).

Both liberal and social democracies have been realised albeit imperfectly, but a socialist democracy has not come into being. Liberal systems as well have turned into social democracies. The meaning of democracy, however, differs in the liberal and social equations. In the liberal democratic relation democracy refers first and foremost to universal suffrage and thus a means for individuals to freely express themselves. Democracy in the socialism democracy relations signifies primarily the egalitarian ideal which can be achieved only by the property reforms of socialism. In the liberal democratic relation democracy is a consequence – political freedom follows from and completes the series of political freedoms. Democracy in the socialist democratic relation is a presupposition. It is achieved when capitalist societies have been transformed into socialist ones (Bobbio 1990:77-78).

Hindess (1993:303) finds that the relation between socialism and democracy is compatible in “aiming to subject a significant area of social life to the will of the community ...”. The socialist conception has not always seen the community as consisting of autonomous individuals whose capacity for free action should be protected. Social democracy, for instance, attempts to control economic activity while supporting representative democracy and the constitutional restraints found in liberal democracy. Communism, on the other hand, seeks popular control of economic activity while rejecting governmental restraints. In practice, such regimes have impeded the free action of their citizens and even prevented such action.

The differences between liberalism, and democracy and socialism is summed up by Hindess (1993:304): Liberalism recognises the freedom of the individual and seeks to protect it against external impediments, and democracy and socialism threaten to undermine freedom in the name of collective priorities and interests. Although social democracy promotes the notion of a collectivity of autonomous persons, autonomy itself is not a primary value.

In the twentieth century authors like Francis Fukuyama (1992) predicted that liberal democracy as a political system with a capitalist economic order would triumph worldwide. (This prediction overlooks alternative socio-economic and political orders which possibly pose a challenge to liberalism and that liberal democracy is the only possible democracy.) The collapse of the former Union of the Soviet Socialist Republics in the late twentieth century led to proclamations that socialism was dead. The doctrine of social democracy departed from its traditional principles and in its watered down version the distinction between social democracy and liberalism tends to become blurred (Heywood 1997:49). Liberalism in modern times also tends to link liberalism to social democracy. The democratic element prevails over the liberal one whereas previously in the nineteenth century liberal elements enjoyed precedence over democratic ones.

### **3.9.1 The relation between freedom and democracy**

Having briefly sketched the background of liberalism and socialism and their connection to democracy, it is logical to adopt a narrower focus to establish the

nature of the relation between freedom and democracy as found in Anglo American democratic theory and Continental democratic theory. The nature of the relation lacks clarity.

As implied in the previous section, the term 'liberal democracy' is ambiguous. It acquires the attributes of liberalism and the value of freedom. However, 'democracy' without the adjective 'liberal' says nothing about the extent or limitation of governmental powers. The term 'democracy' separates liberalism and democracy and tends to value equality. When equality is regarded as a value (as in Continental democratic theory and social democracies) democracy may depart from liberalism (and freedom) (Sartori 1962:354). The ambiguity of democracy is furthermore particularly evident in the term 'social democracy' which gave rise to the welfare state. Proponents of social democracy, on the one hand, claim that it represents an improvement on liberal democracy in making provision for social (welfare) rights as well as the right to freedom. On the other hand, they claim that social democracy represents only a first phase in the progression to socialist democracy. The ambiguity of the term 'social democracy' has been reflected in the dual criticism against it. Intransigent liberals (on the right) claim that social democracy erodes individual freedom whereas socialists (on the left) condemn it as a compromise which hinders the realisation of socialism (Bobbio 1990:78).

In order to clarify the relation between freedom and democracy, it should be asked whether the relation is contingent or necessary. The arguments for the liberal democratic model of Anglo American democratic theory are discussed, followed by Continental democratic theory and variants which exhibit nonliberal tendencies. Theoretically and practically the social democratic model, (which has various forms), may straddle both Anglo American and Continental democratic schools, depending mainly on the weight given to the value of equality.

The main arguments concerning the contingent and the necessary relation between freedom and democracy concern the connection between individual freedom and democracy, the connection between the people and the government, and the necessity of freedom to democracy.



### 3.9.1.1 Freedom is essential to democracy

In Anglo American democratic theory certain freedoms like speech, assembly and association are necessary conditions for the existence of democracy, particularly for the proper application of democratic procedures (Bobbio 1990:39; Holden 1988:19).

Bobbio (1990:38) states that:

- (a) the procedures of democracy are necessary to safeguard those fundamental personal rights on which the liberal state is based; and (b) those rights must be safeguarded if democratic procedures are to operate.

Democracy then is the necessary means for protecting freedom and rights to freedom (of speech, association and assembly).

Direct or indirect participation of the majority of the citizens in formulating laws offers the best guarantee that the rights to freedom will be protected against possible abuse (the limitation or suppression of freedom and rights) by those who govern. The point that the protection of rights are necessary for democratic procedures to function does not concern the necessity of democracy to the survival of a liberal order, but the recognition of human rights if democracy is to operate well. Voting is only effective if it is free and accompanied by the freedoms of speech, association and assembly (Bobbio 1990:38,39).

The relation between freedom and democracy, namely, that the existence of certain freedoms are necessary but not sufficient conditions for democracy, is regarded as a necessary connection by liberal democrats (Holden 1988:37). In one sense they may be necessary – people cannot make decisions unless freedom of choice and free elections exist. Conversely, freedom of choice cannot exist in the absence of the freedoms of speech, organisation and assembly (see Holden 1988:37). In another sense the institutionalisation of procedures (by legal measures and/or a constitution) has to do with contingency and not with conceptual possibility. Institutionalising procedures is insufficient; they must also be implemented in practice (Graham 1992:156).

In practice democracy is institutionalised by majority rule and elections (universal suffrage). Democratic studies have shown that as far as elections are concerned many people are ignorant, apathetic or both. Democratic practice requires knowledge, intelligence and rational reflection. It is possible to vote badly through ignorance or self-interest to support corrupt leaders or to support a disastrous policy by means of the majority rule. Hence, it is “possible for government by the people to be government against the people” (Graham 1992:154). Ironically in such an eventuality, opposition to democratically elected corrupt leaders or bad policies would be anti-democratic. It underlines the fact that expressions of the general will or majority opinion can be just as harmful as the expressed will of a single ruler or an elite (see Graham 1992:154).

### **3.9.1.2 The connection between individual freedom and democracy**

The freedom of liberalism and democracy, as far as Bobbio (1990:41) is concerned, is based on an individualistic conception of the people, that is, atomism as opposed to organicism (holism). The liberal emphasis on the individual serves to limit governmental power.

Anglo American democratic theory assumes that there is a close connection between individual freedom and limited government. The government is seen as the main threat to individual freedom. In this sense, according to Holden (1988:19) “the relationship between individual liberty and democracy is the same as the relationship between limited government and democracy”.

Democracy presumably must be the product of common agreement among individuals, who place a primary value on freedom and regard restrictions on governmental power as necessary to secure freedom or to maximise freedom.

All things being equal, governmental and other coercive interference is an evil to be avoided. Historically attempts have been made to draw a boundary between areas in which intervention is legitimate and those in which it is not. J S Mill, for instance,

distinguished between the private and public spheres; the former consisting of the experiences and actions of individuals. Locke as well attempted such a demarcation in his doctrine of natural, inalienable individual rights. The rationale for such attempts is non-intervention to limit the powers of government (Levine 1981:23).

Continental democratic theory views the people as a single or corporate entity whose individual wills via the general will would further the common good. Democracy is regarded as a way of promoting Rousseau's positive conception of freedom. The connection between freedom and democracy is one of necessity. Laws are expressions of the general will, which is sovereign and unlimited, to enable people "to act freely so that the *unlimited* democratic state, far from threatening or extinguishing freedom, is a necessary condition for it" (Holden 1988:79). Anglo American democratic theory, in contrast, generally holds that unlimited democracy is a threat to freedom.

Tension, however, exists between the notions of limited government (liberalism) and popular government (democracy). Democracy interpreted as government for the people and usually by them supposes that the people have been identified and are separate from other groups. If the people are designated as citizens then it also means that they participate in community affairs. The tension between the two is highlighted by Hindess (1993:302):

The one suggests that there can be no limits to the ends that government might choose to pursue, while the other suggests a case for regarding the independence of the citizens as setting limits to the actions of governments, on the grounds that otherwise the community of citizens would risk becoming a community of a very different kind.

### **3.9.1.3 The connection between the people and the government**

Two views are relevant to the relation between the people and the government. The first concerns the issue of the government ruling over the people, and the second relates to the government as the agent of the people. The latter view is more prominent in Continental democratic theory, but it is also applicable albeit to a lesser extent to Anglo American democratic theory.

***The government rules over the people***

Holden (1988:19) asserts that the tendency to regard the people and the government “as separate and potentially hostile bodies” prevails in Anglo American democratic theory as distinct from Continental democratic theory which regards the government as the agent of the people; the people act through this agency (see further on).

In the Anglo American view, the government is separate from the people and rules over the people. Hence, there is a close connection between freedom and democracy. If the government rules over the people, the people possess power insofar as they limit the power of government. Ultimately the people have more power than the government since they are able to make basic decisions. Limited government then “exists *by virtue* of popular power” (Holden 1988:20). In this sense “[d]emocratic government *is* limited government and liberty is necessarily maintained by democracy” (Holden 1988:20). Liberal democracy and limited government, however, do not have the same meaning. Logically they can occur apart.

Factually, not logically, people want to enjoy considerable freedom in being protected from governmental power. Most people want certain restrictions on government. The connection between freedom and democracy is contingent. The people, however, do not only want limited government but many want government to provide a wide range of services. It presumably follows that where people control the government (as in a democracy) the power of government will be limited (Holden 1988:37).

The liberal democratic notion of the opposition between the power of government and individual freedom is fraught with tension. Freedom exists only in those spheres of life in which the individual is not subject to governmental power – the power of government is limited. On the one hand governmental power is necessary to protect individuals from others and external threat, and on the other hand the power of government should be limited to this function (Holden 1988:22). This protective function of government implies that a government must possess considerable power.

Such a powerful government could also pose a threat to the freedom of its citizens. The problem then is to build internal restraining mechanisms (like the separation of powers and the rule of law) into government (Hindess 1993:302). (See Chapter 5, section 5.2.1.)

The relation between the government and the people, according to Holden (1988:20), is contentious and based on two questionable assumptions.

The first assumption is that the government is the main threat to freedom. In classical liberal theory government is a necessary evil. It is difficult to reconcile the power required by government to fulfil its protective function with the notion of limited government. The government has the potential to abuse its power in ways that erode individual freedom and it is difficult to control its hostile potential.

The second assumption relates to the question of whose freedom is threatened. In this instance the freedom of the people is threatened. Put differently, the freedom of the people and that of the individual are the same. This assumption is incompatible with an individualist perspective of the people. The possibility that individuals can also be oppressed by the people is overlooked.

Holden (1988:23) contends that the liberal democratic model of Anglo American democratic theory fails to address the relation between the individual and the people. Governmental action in providing benefits for the people may be seen as increasing rather than decreasing their freedom. This, however, relates to the freedom of the people and it might still interfere with the freedom of individuals. The interests of particular individuals may conflict on issues (for example, the building of roads and pollution). The assumption is simply made that an issue concerns the relation between the individual and the government whereas it may be the relation between the individual and the people that is at stake.

As far as the notion of the individual being oppressed by the people is concerned, Anglo American democratic theory does not succeed in equating the will of the people with that of every individual. There are many difficulties with majority rule

and defining and identifying the people (see Chapter 2, sections 2.3.1 and 2.3.3). A related issue is whether the people have rights and freedoms which individuals do not have. The assumption is made that a collective is made up of individuals. As far as majority rule is concerned, it is accepted that the wills of some will conflict with the wills of others. For Holden (1988:24) it follows that the will of the people cannot understand the will of individuals, except in the unlikely event of unanimous agreement. Hence, action emanating from the people's will must conflict with individual wills and threaten the freedom of some.

A liberal democratic regime may threaten freedom in two ways. The first, which was discussed above, concerns the mass or community oppressing individuals through the actions of the people. In another way a liberal democratic regime (or any other regime) as an institution with a legitimate monopoly of the use of force, may oppress and threaten the freedom of its citizens. Individuals and groups do not have this power. (Courts of law exist to deal with criminal and civil offences.) Historically governments, irrespective of types of regime, have used coercive power "to kill and assault more people than private citizens have ever done" (Hospers 1990:392).

***The government as the agent of the people***

The view of the government as the agent of the people involves a different conception of the relation between freedom and democracy. It is more prevalent in Continental democratic theory, but it is of some importance in Anglo American democratic theory. The differences between the two largely reflect the differences between Locke and Rousseau's notion of the general will (Holden 1988:77).

Freedom and democracy are linked through the connection between self-determination and self-government. An autonomous individual determines his/her own actions. The self-determined or free individual is "the self-governing individual" (Holden 1988:21). Individual freedom consists of participating in government activity, rather than the absence of participation. Individuals are free not only when they are not subjected to processes of government, but also when they participate in those processes. Participation in collective decisionmaking is an extension of each to

determine his/her destiny. Here freedom is positive, and in contrast with Anglo American democratic theory, the freedom of the individual is the same as the freedom of the people.

The relation between positive freedom and democracy is contingent. Paradoxically everyone is supposed to rule, but it cannot be said that individuals determine themselves because the people determine themselves. Individuals are ruled by the people. However, the role of government is interventionist and supposedly increases rather than decreases freedom.

Insofar as the people take part in collective decisionmaking to determine themselves, their freedom is enhanced. They are free because they are acting on their own wills and the government is the manifestation of their wills. In Continental democratic theory, the idea of a single will, even when a diversity of wills exist seems to resolve the difficulty of Anglo American democratic theory in attempting to account for a will of the people, as well as the problem relating to the relationship between particular and general interests. “It is clear that the general interest is distinct from ... particular interests, that it is morally superior to them and that democracy requires that it motivate everyone’s political behaviour” (Holden 1988:78).

The general will, however, is also based on contentious assumptions. Firstly, the people will not disagree about what is ‘truly’ for the common good, although conflict can arise between particular interests and the general interest. Furthermore, even if people do not always will the common good (by willing their particular interests), they are only seemingly and not truly willing their particular interests. Thirdly, all people will the common good even when they are not doing so. As Holden (1988:77) asserts: “Indeed, that it *is* the will of every person is a defining characteristic of the general will: the subject of the will is general as well as its object (the general good)”. If this is the case the general will is necessarily the common good.

This conception of the general will contains several errors. It is logically contradictory – A cannot be A and non-A at the same time. Leaving aside the conceptual difficulties of defining the common good or the general interest, can

people discern what is in the general good? Bowie and Simon (1977:139) ask on what grounds it can be accepted that the majority will recognise the common good; what constitutes the general good; that the majority will always perceive the common good; that the general will is infallible and that the general will, will secure freedom.

The erroneous assumption is made that the interests of the people can be more accurately ascertained by some mystical means available only to the rulers, rather than by permitting people to decide freely and vote on their wants and interests. Another error is that the rulers somehow know what the 'real' interests of the people are, rather than the people and their freely chosen representatives (Mayo 1960:217).

Notions of the general will underpin the social democratic model, people's democracies (Eastern European variant), one party democracies and totalitarian democracies – or more accurately, totalitarian dictatorships.

The social democratic model is ambiguous in that it seeks to combine features of liberalism, capitalism and socialism. It can be located in both liberal and socialist traditions, and the boundary between socialism and democracy is no less clear cut than the boundary between liberalism and democracy. Theoretically it is possible for social democratic systems to support either negative or positive freedom without endangering freedom, whereas it is also possible for social democratic systems to further positive freedom with extended welfare services to enhance freedom and at the same time to serve the common good. Equality is, however, the most important value of the social democratic model favoured by egalitarians and socialists, people's democracies, one party democracies and totalitarian dictatorships.

Social democracies, people's democracies and one party states, inspired by some version of the general will, claim to ensure autonomy in the sense of obedience to one's self-rule. Put differently, according to Heywood (1997:72) people are free when they participate directly and continuously in developing their communities. The realisation of democracy holds the promise of an equal (or more equal) distribution of political and economic power which cannot be achieved by liberal democratic means (Bobbio 1990:75).



A people's democracy is one of the models of democracy generated by the Marxist tradition. In Loewenstein's (1980:49) view, Marx believed that the general will would be realised in the 'true' democracy, that is, in a people's democracy, which would be a classless socialist society (see Femia 1993:175). In Marxist-Leninist theory, the vanguard party (communist party) is the sole interpreter and implementer of the single will of the people. Rule by the vanguard party was a necessary condition for rule by the people, that is, majority rule (Holden 1988:84,86). In this instance, there is a connection between socialism and democracy as socialism is the only vehicle for increasing political participation and consequently the full realisation of democracy.

One party democracies, as stated above, share the idea of a single will of the people and unanimity (Holden 1988:89). Equality within the community is usually rated higher than freedom. One party systems may allow political participation by other parties, but a dominant party usually retains power. A single party expresses the will of the people. It follows that there is no legitimate need for other parties and there is no limit to what the governing party can do in the interest of democracy (Holden 1988:82). Democracy is rule by the general will. People can enjoy complete freedom through the operation of the general will (Macpherson 1969:29).

Totalitarian dictatorships also share a belief in the general will and claim to govern for the people. It is usually argued (by communists) that if governmental policies are for the people's benefit, then the government is a democracy – government for the people. This view “abolishes the distinction entirely between benevolent despotism and democracy, while in the absence of the political freedoms and effective choice – which are distinguishing features of democracy – we have only the dictator's word for it that his policies are in fact for the people” (Mayo 1960:217). People are forced to obey the edicts of those in power under threat of punishment. Liberal democrats see this as a threat to freedom because people are prevented from acting on their voluntary interests (see Hospers 1990:391).

People's democracies, one party democracies and totalitarian dictatorships all reject a

competitive free market system and private property which is regarded as the source of human inequalities. These should be partially or completely abolished as a social goal (Bobbio 1990:73,74).

### **3.10 CONCLUSION**

This chapter focused on the complexity and meanings of freedom, and the relation between freedom and democracy within the context of Anglo American and Continental democratic theory. The relation entailed examining the connection between liberalism, socialism and democracy, and the connection between freedom and democracy within Anglo American and Continental democratic theory.

Whether Continental democratic theory is a type of liberal democratic theory is questionable. Both Anglo American and Continental democratic theory have their roots in Western political thought. Continental democratic theory has its source in Rousseau's ideas, which has also influenced Anglo American democratic theory and wittingly or unwittingly inspired the social democratic model, people's democracies and one party democracies, usually associated with Continental democratic theory. Both claim to promote freedom but their conceptions of freedom differ. Continental democratic theory supports Rousseau's notion of positive freedom, which is believed to promote freedom. The will of the people is sovereign and not subject to limits. Liberal democratic theory located within Anglo American democratic theory, on the other hand, stands for the limitation of power and regards unrestricted power in a democratic order as a threat to freedom.

Freedom and the questions posed by freedom are intricate and problematic. The analysis of freedom pointed to freedom in a political context being an external, empirical and negative concept, relating to action in the sense of the absence of coercion by others and particularly the government. People are free when they can take decisions and act upon them without coercion and intervention. Negative freedom, however, is a restricted freedom, limited by political and legal measures, as well as by social values and economic conditions, but these cannot be seen as a lack of freedom.

Furthermore, philosophical definitions of freedom as a faculty or power, autonomy, self-determination and necessity confuse internal (positive) freedom with external (negative) freedom, which obfuscates the distinction between the philosophical and empirical levels of discourse. These definitions erroneously confuse the satisfaction of wants, poverty, and power with freedom. Autonomy (an internal freedom) is incorrectly regarded as the democratic freedom or an ideal whereas it should be self-government as expressed by democratic deontology. The notion of autonomy as political freedom ended with the ancient Greek democracies. Moreover, a necessary connection between autonomy and democracy does not exist. Substituting autonomy for self-government holds the danger of people thinking that they are free when in reality they are oppressed. Freedom as autonomy deals with the human will and not with politics.

Redefining internal, positive freedom to give it external meanings only causes confusion. In Continental democratic theory particularly positive freedom is associated with poverty or the lack of material resources, which supposedly make people unfree. This practice confuses obstacles to freedom with the nature of freedom, which is another matter.

The distinction between positive and negative freedom involves different issues. Negative freedom concerns the limits of governmental power, while positive freedom focuses on the locus of power. As in the case of autonomy, there is no logical or necessary connection between negative freedom and democracy (as a regime).

Negative freedom is the constituent element of liberalism (as properly understood). Freedom cannot be logically deduced from democracy (as a type of regime) within Anglo American democratic theory. Freedom is not implicit in the premises of democracy or logically entailed. Furthermore, democracy and limited government do not have the same meaning. Logically they can occur apart. A liberal regime need not be democratic and a democratic regime need not be liberal. In practice democracies have demonstrated totalitarian tendencies. The relation between

liberalism and democracy can be incompatible when a democracy displays totalitarian characteristics and when the value of equality enjoys priority over the liberal value of freedom. Just as positive and negative freedom concern different things, the political doctrines of liberalism and democracy reflect the difference between positive and negative freedom. Liberalism is closely associated with negative freedom and limits on political power, whereas democracy focuses on the seat of power and the extension of power. Although freedom is fundamental to liberalism, a necessary connection between negative freedom and liberal democracy does not exist either as non-liberals have also promoted negative freedom. Liberalism in the twentieth century departed its former doctrines in its adherence to autonomy, and social and economic intervention to promote that freedom. Welfare liberals and socialists support positive freedom in the sense of taking part in collective decisionmaking.

From the outset socialism (and its variants) opposed liberalism. The main issue was economic. The perceived relation of necessity between socialism and democracy (as argued by socialists and communists) pertain to some future state of affairs, for instance, the realisation of democracy, or the establishment of socialism. Contrary to the belief of some socialists and communists, historical events do not establish, demonstrate or entail logical necessity. Hence, a necessary connection does not exist between socialism and democracy, and between positive freedom and social democratic models of both Anglo American democratic theory, and Continental democratic theory and other derived models like people's democracies and one party democratic regimes. The examination of all these relations point to the connections being contingent and possible. However, where social democracy has been realised in Anglo American and Continental countries the outcome has entailed increasing control of economic activity, the expansion of equality and the subjection of individuals to the will of the whole. The value of freedom is of lesser importance.

In narrowing the focus of the relation between freedom and democracy several arguments were considered.

In Anglo American democratic theory the existence of certain freedoms are believed to be necessary for democracy to secure freedom by procedural means. Certain

freedoms may be necessary, but they insufficient conditions. The procedures must not only be institutionalised, but must also be realised. The relation in this instance is contingent.

The relation between individual freedom and democracy is also contingent. There is a close connection between individual freedom and limited government, but not between freedom and democracy (which need not be limited). Continental democratic theory claims a necessary relation between individual freedom and democracy. Positive freedom as expressed by the general will is a necessary condition for democracy. This view is erroneous and has had opposite effects in practice.

In Anglo American democratic theory the relation between freedom and democracy views the people and the government as separate entities. The argument that limited government exists necessarily because of 'popular power', begs the question. Democracy is equated with limited government. Again, as mentioned previously, this need not be the case; the relation is contingent.

The relation between freedom and democracy in seeing the government as the agent of the people is more particular to Continental democratic theory than Anglo American democratic theory. The relation links positive freedom (interpreted as autonomy or self-determination) with democracy, and is contingent. The argument of the government as an agent is based on the general will, which in turn is based on several erroneous assumptions. The most serious error is that rulers are best in a position to ascertain the 'true' interests of the people, rather than the people themselves.

The relation between freedom and the other variants of democracy – all of which support some notion of the general will – is contingent. Freedom is not highly valued; the emphasis is on political and economic equality and social justice.

Both Anglo American democratic theory and Continental democratic theory exhibit a tension between freedom and democracy. Democracy, as mentioned previously, by definition refers to the locus of power, which does not concern negative freedom and

the limitation of power, as people may prefer an extension of governmental power as in social democracies or welfare states. Furthermore, there is no necessary connection between positive freedom and the extended powers of government required by social democracies. The relation between positive freedom and variants of democracy like people's democracy and one party democracies appear to be inadequate. Tyranny could well be the practical outcome.

## CHAPTER 4

### EQUALITY

#### 4.1 INTRODUCTION

Because of the complexity of democratic theory and the manipulation of concepts it is deemed necessary to emphasise a couple of points of the forgoing chapters before proceeding with the analysis of the concept of equality and the nature of the relations between equality and democracy.

From the analysis of freedom, particularly political freedom, it is clear that it is a negative, external and empirical concept. In general Anglo American democratic theory and the liberal democratic model, inspired by Locke, tend to interpret freedom negatively, and not positively as autonomy. Continental democratic theory connects freedom as autonomy to democracy. In Continental democratic theory and its variants of democratic models, freedom as autonomy concerns the redistribution of material resources, the promotion of welfare provision and economic intervention, all of which have nothing to do with freedom. These aspects deal with politics. This conception of freedom confuses freedom with power. Yet autonomy is still seen as the democratic freedom which is attained by the majority principle. The majority principle, while historically not uniquely associated with democracy, is nevertheless regarded as a defining characteristic of democracy (see Lively 1975:10,13,50,51; Ross 1952:94 and Chapter 2, section 2.3.3). (A distinction must be made between the method or procedure followed and rule by the majority of the people to avoid ambiguity when discussing the majority principle to ensure political equality in citizenship and the making of decisions.)

Equality, arguably, is the basic element of democracy, which includes the (modern) liberal, social and the non-liberal variants of Continental democratic theory. These non-liberal variants stress positive freedom, self-government and material conditions

of equality. The liberal democratic model emphasises equality before the law, and equality of opportunity in the negative sense of ‘nothing hinders’. The social democratic model focuses on equality of distribution to equality of outcome (economic equality).

Democracy in liberal and social democracy also means different things. In liberal democracy, ‘democracy’ refers to universal suffrage, which is a means of free expression. In social democracy, ‘democracy’ relates to economic equality.

The meaning of freedom and the relations between freedom and democracy in Anglo American democratic theory, particularly the liberal democratic model, and Continental democratic theory is clearer than the meaning and role of equality in the liberal democratic model, and Continental democratic theory in general. The relation between equality and democracy is important because of the role equality plays in the tensions between freedom and democracy (see Holden 1988:14). (The tensions between freedom and equality within the democratic context is the subject of Chapter 5.)

This chapter focuses mainly on the relation between equality and democracy. The analysis, as in the case of the previous chapter on freedom, requires clarity on the meanings and kinds of equality, the models of democracy or the democratic theory involved. The examination of the relations further requires a sketch of the association of equality with liberalism and democracy, and the association of equality with socialism, or variants of socialism, and democratic models of Anglo American democratic theory and Continental democratic theory.

#### **4.2 THE COMPLEXITY OF EQUALITY AND SOURCES OF CONFUSION**

There are no definite answers to the questions “What is equality?” and “What does equality mean?” Equality is a highly complex concept which defies accurate description and precise definition. Cauthen (1987:2), a supporter of equality, attests to its complexity:



Equality is a peculiar idea as applied to human relationships. It has been thought to be the supreme ideal for society, as well as the epitome of muddled thinking. While it sounds simple, equality upon examination turns out to be a highly complex, slippery, and subtle concept.

Sartori (1962:326) highlights the difficulties surrounding the concept of equality:

The literature dealing with equality is rather monotonous, often ingenuous and seldom, if ever, exhaustive. On the other hand the problem has so many facets and so many implications, that after we have examined it from all angles we are left with the feeling of not having really mastered it.

In Ross' (1952:130) words, equality is "even more indefinite and ambiguous than the idea of liberty" (also see Ludovici no date; Rees 1971; Lakoff 1964; Kuehnelt-Leddihn 1952; Rae 1981; Cauthen 1987 and Tawney 1964).

Bedau (in Pennock & Chapman 1967:4) identifies several areas, including the semantic and the practical, pertaining to the concept of equality which lead to ambiguity and vagueness: the failure to identify the respects in which supposedly equal things are equal; the failure to understand the logical relations among terms like equal, alike, identical, same, similar and related terms; the failure to distinguish whether a given distribution or policy is equal and if so, whether the equality is just, justifiable or equitable (the latter is a different issue); the conceptual affinity of terms like just, equitable and equal often lead to a failure to realise that the justifiability of a certain distribution is often mistakenly argued by alleging its equality. This issue is quite separate from any demonstration of a distribution's empirical equality.

The following questions are also pertinent to this contested and contentious concept: Is equality an analytic or logical concept?; Is it an axiological concept?; Is equality empirical or substantive?; Is equality an ideal to be pursued?; Is it an intrinsic good?; What are the assumptions and conditions of equality?; Is equality a natural phenomenon, and if so, in what respect can human beings be considered equal?; Can equality be descriptively defined, or persuasively?

The concept of equality has been broadened to such an extent that its use has become vague and ambiguous (Ludovici no date: 16). The ambiguity of equality is borne out by its meaning ranging from the simplicity of ostensive definitions, which do not name or describe the object/s to be defined, but refers to objects by pointing to them (Copi 1986:151), to the “extreme complexity” of the notion of justice (Sartori 1962:328). Equality has two basic meanings. In the first instance, it connotes sameness and in the second instance it refers to justice (see Chapter 2, section 2.6.2). “Two or more persons or objects can be declared equal in the sense of being – in some or all respects – identical, of being the same, alike” (Sartori 1987:338). Hence, all persons are equal is meant in the sense of alike, identical and not equal. The two meanings of equality overlap and are difficult to separate; yet they are different. The overlapping of equality in the sense of justice and equality in the sense of sameness can be ascribed to semantic obfuscation. In Italian, French and German, equality has the same meaning as identical. In English speaking countries equality became associated with sameness via the translation of Continental works into English, and by the doctrine of natural law. In the Declaration of Independence, for instance, human equality presumably did not mean equal in all respects, but only alike. This semantic ambiguity is evident in the argument that persons are entitled to certain things (equal rights and opportunities) because they are the same in some respects. This argument, however, does not hold. The moral claim for equality neither implies nor requires factual equality (Sartori 1962:328-329).

Interpreting equality as sameness, however, is far from clear. Equality pertains to justice, but not to sameness. It “does not imply identity or sameness”, but it is “the principle of uniform apportionment...” (Heywood 2000:128; also see Heywood 1994:226; Christophersen 1977). Ziniewicz (1999:16) notes that equality as sameness is also inapplicable to human beings: “Equality does not mean sameness. It means that individuals (insofar as they are unique) cannot be compared with one another or measured by some external ‘universal’ standard”. Individuals possess unique and incomparable characteristics. The terms ‘equal’ and ‘same’ are not synonymous; the one cannot be substituted for the other. The relation between them is not the same as that, for instance, between a bachelor and an unmarried man. According to Bedau (in Pennock & Chapman 1967:7) only the following statement

in general holds for the terms equal and same: “*Persons have (received) an equal distribution, equal treatment, or equal rights etc., if and only if they have (received) the same distribution, treatment, rights, etc.*”

Holden (1988) again spells out the interrelationship between sameness and justice. Things are equal “if they are the same in important respects and the principle of equality demands that things which are the same in relevant important respects ought to be treated equally, i.e. in relation to those respects in which they are the same, they ought to be treated in the same way” (Holden 1988:15). Stated differently, this argument holds that persons A and B are equal with respect to characteristic C. If A and B are equal with respect to characteristic C, then they deserve equal treatment in relation to X. This conclusion seems unwarranted. From some factual assertion presumably about human nature a conclusion is reached that something is desirable (see Rees 1971:61). Furthermore, it is also unclear in which respects things are equal and what constitutes relevant respects. If equality implies sameness, it does not follow that things equal to one another in one (or several) respect/s are (or are not, or cannot be) equal in other respects. It also does not follow that things equal to one another in one respect ought to be equal in another respect (Bedau in Pennock & Chapman 1967:8). Even if some things are equal to one another (in certain respects), they are never exactly the same. Things may be equal to one another and yet different to one another in various ways.

Ludovici (no date: 62,75) also identifies two meanings of equality, neither of which apply to the natural characteristics of human beings. In the first instance, equality has a mathematical meaning, and in the second, it had a limited legal meaning at the end of the eighteenth century when citizens had an equal right to have their interests regally protected by government.

Because equality does not have an exact meaning, except it seems in a mathematical sense, it has been used to arouse emotions and favourable feelings by proponents. According to Lipson (1997:103) “[f]or the great majority of mankind to be respected and treated as an equal presents a potent emotional appeal”. The desire to achieve (social) equality historically sparked off the English, American and French

revolutions in the seventeenth and eighteenth centuries. Equality then, more than freedom became “the most revolutionary of political symbols” (Lipson 1997:103). Since the seventeenth century equality, in some form or other, has played a major role in the theory and practice of politics (Rees 1971:11; see Lakoff 1964:1).

Equality, irrespective of whether it refers to something in reality or can be practically achieved, arouses very real emotion (Ludovici no date: 61). The emotion it arouses only obscures a proper understanding of the sense in which it is used, or has been used albeit correctly or incorrectly, or should be used in future (Rees 1971:7). Lakoff (1964:1) further underscores the difficulty of defining equality: “It would be too much to expect that an idea carrying such passionate appeal and such symbolic force should be easy to define to everyone’s satisfaction”.

If equality is descriptively and prescriptively defined, the possibility exists that the real and the ideal become confused. Although they interact, a distinction must be made between them. Ambiguity is further compounded by using equality in a descriptive sense while retaining its ideal connotations. Equality seems to have more emotional appeal than descriptive meaning. Adjectives or descriptive words like natural, legal, social, economic and political are often used. Although these terms indicate the context to which equality applies, they are ambiguous and not particularly helpful without further description and/or definition. The difficulty exists that attempted definitions might be circular as a common purpose of definitions, namely to indicate the meaning of the definiendum, is defeated (Copi 1986:158). Ambiguous terms must be avoided in formulating definitions “because if the definiens is itself ambiguous, the definition obviously fails to perform its function of saying what the definiendum means” (Copi 1986:159). The meaning of the term is not clarified.

The complexity and ambiguity of the concept of equality has nevertheless led many theorists and scholars to identify forms, kinds or types of equality by using descriptive words, rather than to attempt to define equality per se. Even this strategy could lead to “ever deeper dimness and obscurity” (Ludovici no date: 61). However, the importance of making distinctions between kinds of equality is stressed by

Lakoff (1964:6): “To make equality a synonym for the absence of all distinctions is not to define any of the real proposals of equality but only to prepare an attack upon caricatures of them all”.

It seems sensible to follow the practice of making distinction between kinds of equality to shed light on the meaning of this elusive concept in an attempt to answer the questions raised at the beginning of this section.

### **4.3 KINDS OF EQUALITY**

There are many characterisations and classifications of equality in the literature (see for example Rees 1971; Joseph & Sumption 1979; Brown 1988; Sartori 1962, 1987; Lakoff 1964; Pojman no date; and Heywood 2000). Some kinds of equality, upon analysis, also represent complex ideas (see Pojman no date).

A basic distinction in the literature is usually made between formal and substantive equality. Equality has many formulations. Formal equality, for example, includes Aristotle’s idea of formal equality; legal equality; and moral (secular and nonsecular) equality. Kinds of equality range from equality of opportunity, including equality of access and starting points (see Sartori 1987:345); equality of outcomes relating to resources and welfare (economic equality); political equality; social equality; and absolute equality. Natural equality is sometimes regarded either as substantive or empirical, or formal in a moral sense. Moral equality is also designated as foundational equality (see Heywood 2000:128).

#### **4.3.1 Formal equality**

Equality, as a *formal* concept, finds its expression in equality before the law. Historically, equality originated in ancient Greece (see Rees 1971; Harrison 1993). The ancient Greeks and Romans associated equality with the law (Lakoff 1964:12). The Greeks saw inequality as natural and equality could only be imposed by human rules and standards, and by convention (Rees 1971:14).

Aristotle saw equality as a formal and a moral concept. He distinguished between two kinds of equality, namely “the one dependent on numerical equivalence, the other on equivalence in value” (Aristotle 1972:191). Numerical equality refers to equality in quantity and size. It pertains to democratic justice which amounts to the tyranny of numbers; whatever the majority approved, was just (Sartori 1987:341). The Greek conception of equality before the law as the “equal protection of general laws” disappeared with the demise of Greek democracies (Sartori 1987:342).

Proportional equality (see equality of consideration further on) deals with equality in value, proportionate to desert. Two equal persons should receive equal shares. Unequal persons should get unequal shares, but proportionate to their inequality. Treating persons differently requires some criterion according to which difference in treatment is justified. Hence, if persons are not distinguishable in some significant respect, treating them differently would be unjustified because equals would be treated unequally. A criterion or sufficient reason must exist for treating persons differently, but what counts as a sufficient reason is problematic and open to question (Rees 1971:92-95). Proportional equality is controversial regarding the content and measurement of desert. The problem is that a substantive conception of justice cannot be established on the basis of formal justice alone. Another problem is that scholars are inclined to argue from some definition to the area of justification, often to correspond to a predisposed value system.

Substantively, it is difficult, if not impossible, to find an objective way of assessing merit and desert, particularly in highly industrialised societies. The following aspects, according to Joseph and Sumption (1979:73) would have to be considered: a particular job; the qualities of those who perform it; the extent of effort and sacrifice; the extent to which success was due to effort and sacrifice as well as to inborn abilities; whether the best use has been made of opportunities; and what other alternatives would have been available. These aspects have different implications for distributive justice. (Also see Hayek (1976:94-99) on the subjectivity of rewarding merit.) The issue is further compounded in practice by establishing what kinds of equality are owed to persons.

Both numerical equality and equality proportional to desert fall into the category of distributive justice, which in modern times became associated with social justice. As noted previously, proportional equality, as expounded by Aristotle, is “formal and hence vacuous” (Rees 1971:95). It makes no provision for a substantive conception of justice. The rule of proportional equality provides a logical framework “into which all kinds of substantive criteria can be poured” (Rees 1971:96).

*Equality before the law*, which is a formal rule of treatment, and the related rules of equality of consideration and conditional equality, which also concern treatment, are usually regarded as formal in nature. Equality before the law means that equals are treated equally, and unequals are treated unequally.

*Equality of consideration*, which is logically similar to proportionate equality, means that all claims must be equally considered (like cases are treated alike). Hence, two slaves are treated equally in being given two slices of bread each. Differential treatment may be justified by relevant reasons based, for example, on the substantive criteria of desert, merit and need. In treating like cases alike, it would be wrong to treat two persons differently when the same case applies. Justice demands that those guilty of offences of the same seriousness should receive the same punishment, and that the punishment should fit the crime (Brown 1988:2). Justice requires that equal achievements should be equally rewarded. For example, workers receive equal reward for equal work done (see above difficulties of assessing rewards). The formal rule of equality of consideration does not indicate how conflicting and competing claims are to be ranked in order of importance or priority, but only that claims must be considered consistently in an equal way (Pojman no date: 4).

*Conditional equality* requires that all persons should be treated equally unless reasons exist for treating them differently. Reasons, however, are not prescribed, and discrimination is not ruled out. Even treating people equally in one way may involve unequal treatment in another way. For instance, if workers are paid the same wage, the more industrious will earn more than those who are less hardworking. This outcome is not unfair according to the rule of treating like cases alike (Brown 1988:3).

Equality before the law (and its logical ramifications) as a formal concept says nothing about how cases are to be compared and what reasons are relevant to the cases under consideration. It is neutral and only requires consistency in the application of the rules. Anatole France (1894), quoted by Felkins (1997:5), decried the impartiality of justice in the well known saying:

The Law, in its majestic equality, forbids the rich, as well as the poor, to sleep under the bridges, to beg in the streets, and to steal bread.

Discrimination and inequality, however, may result from the application of rules. The resulting inequalities, however, are regarded as justifiable.

Formal equality, as a set of general rules, does not imply or entail other equalities, whether natural, social, economic or political. It may, however, lead to inequality of treatment. Equality before the law, as a formal rule (treating like cases alike, and different cases differently), is not an egalitarian rule. Whether any particular law is just or unjust is irrelevant as long as it is applied consistently.

Anglo American democratic theory and Continental democratic theory support equality before the law because it applies to everybody equally in all spheres of life, and to the just and the unjust. In these circumstances equality before the law can be very harsh. It has to assume inequality in legislating for big communities “otherwise it could not be just at all” (Ludovici no date: 66).

When demands are made for equality, or more equality of whatever kind, it is not equality before the law that is the issue, despite the unequal outcomes generated by equality before the law. Equality before the law assumes that people are naturally unequal. It follows that if human beings are treated equally, the result will be inequality in their material condition. The only way to equalise their condition will be to treat people unequally or differently (Hayek 1976:87). Equality before the law only demands that human beings are treated equally in spite of the fact that they are empirically different.



### 4.3.2 Natural equality

Whereas the ancient Greeks and medieval scholars believed that people were naturally different, it was assumed in modern times that people were naturally equal. This belief can be traced to the natural law tradition. Natural law as revealed by reason led to a belief in human equality. Firstly, all human beings were alike and equal in possessing the distinguishing characteristic of reason. Secondly, the use of reason gave human beings the capacity of choice and self-directed action, and knowledge of the good (Brown 1988:22).

The American and French revolutions proclaimed the equality of human beings. The American Declaration of Independence (1776) upheld the statement that ‘all men are created equal’ as a self-evident truth (Brown 1988:59; see Holden 1988). This statement is rather vague. In what respect are people equal? Are people equal, for instance, in possessing a rational faculty, a moral capacity, equal natural rights, or are they equal by virtue of their humanity?

The claims that people are naturally equal in having a rational faculty, or in sharing a common humanity, are generally accepted as *empirical* assertions about human nature. Whether these are empirical assertions is contentious. People are not empirically equal in personal characteristics (physical and intellectual), genetic endowment, abilities, interests, needs and desires.

The statement that people are equal by virtue of their humanity implies that people resemble each other in certain ways and that the resemblances are politically relevant. Hence, the claim that all people have natural rights and are endowed with reason and the capacity of choice, establishes a presumption against paternalistic government (The Blackwell Encyclopaedia 1987:136-137). Even if all human beings possess equal rights to life, freedom and happiness (irrespective of whether they acknowledge such rights), their different natural endowments (in capacity and ability) make for the unequal pursuit and realisation of natural rights. As Plamenatz (in Pennock & Chapman 1967:79) notes:

If equality meant everyone having the same abilities, the same rights, and the same obligations, no society could be a society of equals. For in every society, no matter how simple, there is a diversity of functions; and every function calls for some abilities rather than others and carries its proper duties, and also its rights.

Furthermore, the assertion that people are equal by virtue of being at least in some respects the same, and that they are thus entitled to equal opportunities and rights, simply does not hold. A necessary connection does not exist “between the fact that men are or are not born alike (same) and the ethical principle that they ought to be treated as equals” (Sartori 1987:339). When the confusion between equality in a moral sense and equality in a factual sense is cleared up, it becomes evident that it is just to further certain equalities to compensate people for the factual differences among them, and not because of certain alleged natural similarities like being born equal (Sartori 1962:330), which is in any event factually not the case.

Arguments for equality of some sort do not deny natural differences among people. “The claim for equality” rather “is a protest against unjust, undeserved and unjustified inequalities” (Sartori 1962:327). Demands for equality protest against socioeconomic inequalities which are the outcome of natural differences among people. Hence, it is just to support certain forms of equality to compensate people for the natural inequalities among them. An egalitarian like Tawney (1964:48-49) admits as much in the well known quotation:

The equality which all of these thinkers [J S Mill, Jeremy Taylor and theologians with whom Tawney agreed] emphasize as desirable is not equality of capacity or attainment, but of circumstances, institutions, and manner of life. The inequality which they deplore is not inequality of personal gifts, but of the social and economic environment. They are concerned, not with a biological phenomenon, but with a spiritual relation and the conduct to be based on it. Their view, in short, is that, because men are men, social institutions – property rights, and the organization of industry, and the system of public health and education – should be planned, as far as possible, to emphasize and strengthen, not the class differences which divide, but the common humanity which unites, them.

Demands for equality based on natural equality (to compensate people for their natural inequalities) then are likely to lead to claims for more and/or other kinds of equality, particularly in the socioeconomic sphere.

### 4.3.3 Moral equality

The natural inequality of human beings was upheld until the eighteenth century when it gave way to the doctrine of natural rights and its assumption of natural equality. In time the Aristotlean conception of justice as desert took on a substantive meaning as people deserving equal dignity and respect. However, the latter does not follow logically from justice as desert. Nevertheless, the notion of desert as equal dignity and respect, as a tenet of universal, moral equality underpins Western thought and became a touchstone of liberal democratic thought.

Moral or foundational equality is generally thought to be a *formal* concept. Moral equality means that all human beings have a moral faculty or have equal moral worth (see Pojman no date: 6,19). Moral equality may be secular or religious (see further on).

The notion of all people equally possessing a moral capacity implies that people are moral agents, follow moral rules and may be held accountable for their actions. Kant (1949), who articulated a secular, metaphysical or transcendental moral equality, believed that all people equally have a capacity for moral action and an autonomous will for self-determination. He invoked the categorical imperative that “every rational being, *exists* as an end in himself, *not merely as a means* for the arbitrary use of this or that will” (Kant 1949:176). This is a formal rule of treatment which requires mutual self-respect. Human beings owe one another respect as equal rational moral agents, despite their natural differences and capacities. Equal respect is not based on any natural empirical qualities.

The issue of whether people are equal moral agents or have the same moral value seems trivial. In reality people clearly do not have the same moral capacity (however moral capacity is defined or identified), or follow the same moral rules, or are equally capable of moral deliberation, or of accepting responsibility for their actions. As Williams (in Pojman & Westmoreland 1997:94) points out: “To hold a man responsible for his actions is presumably the central case of treating him as a moral agent, and if men are not treated as equally responsible, there is not much left to their

equality as moral agents”. If this is so, Kant’s transcendental notion of moral equality does not provide a basis for equality of respect or of some conception of human equality.

In contemporary times, secular equal moral worth is interpreted as treating people with equal respect (see, for example, the work of Gregory Vlastos and Ronald Dworkin). This notion is also abstract and requires an empirical basis or relevant empirical considerations. Moral equality is vague and cannot give rise to other kinds of equality.

It appears that moral equality is sought because “it is *just* to promote certain equalities precisely to compensate for the fact that men are, or may be, *born different*” (Sartori 1987:340). Moral equality, like natural equality, implicitly acknowledges natural differences but seeks, as a matter of justice, that people should be treated equally, as if they were the same, although they are factually different.

#### **4.3.4 Spiritual equality**

Spiritual equality is another liberal (and social) democratic tenet. It is, however, a contentious and contested concept. Lack of clarity exists as to whether spiritual equality is *transcendent*, or formal, or empirical in nature. For instance, Honderich (no date: 3) regards the claim that ‘all people are equal in the sight of God’ as empirical. However, the latter does not seem to describe some aspect of human nature. Furthermore, no human being can sensibly or rationally claim to know the mind of God. Spiritual equality should rather be seen as a transcendental concept. Appeals to the teachings of Christ in the Bible, or to historical details contained therein do not shed much light on the issue of whether and in what respect people are supposedly equal in God’s eyes.

Although the term ‘equality’ appears nowhere in the Bible, Galatians Chapter 3, verse 28, is often cited as a Christian doctrine of human equality: “There is neither Jew nor Greek: there is neither bond nor free: there is neither male nor female. For

you are all one in Christ Jesus” (The Holy Bible, Douay Rheims Version, 1899. 1971:215). This ‘new’ doctrine of equality has been interpreted in various ways: as an emancipation from worldly distinctions; as a challenge to the necessity or existence of the hierarchical structure of nature and society; as emphasising the equal worth of all souls in God’s sight or the equal love of God for his creatures, holding the hope of eternal life; as a spiritual equality without any distinctions but acknowledging natural worldly differences; as the Marxist notion of spiritual equality being against social progress because human beings endure their existing stations in life and exploitations; as an anticipation of social reform and social equality based on notions of human dignity; and as spiritual immortality and the possibility of redemption (Lakoff in Pennock & Chapman 1967:115-123).

The passage from Galatians by itself and in the context of the chapter, however, hardly implies any of the above interpretations. The verse, which implicitly acknowledges earthly distinctions, declares them irrelevant to belief in Christ. It implies unity in faith, regardless of existing distinctions, which have no importance whatsoever in the matter of faith. The context of the chapter indicates that the blessing and the Spirit promised to Abraham comes through faith and not the (mosaic) law. Moreover, the blessing (of Abraham) comes through Christ that people may receive the promise of the Spirit through faith. People are children of God by faith in Christ and not by the law. Equality of any kind cannot be inferred from the above, which implicitly acknowledges earthly differences, but declares them irrelevant to faith and belief in God.

Like natural and moral equality, the claim of spiritual equality is questionable (for instance, saint and sinner are neither alike in any spiritual sense, nor can they claim equal treatment). This egalitarian notion, which gave rise to egalitarian social and political equality, did not originate in the New Testament or the Christian tradition as some scholars believe (Joseph & Sumption 1979:5), but in the Renaissance and the Reformation. Both stimulated individualism by placing the responsibility for salvation on the individual and stressing the judgment of the individual against authority. The assertion of spiritual equality was not the issue, but it was used to undermine political and ecclesiastical authority, and existing social and economic

inequalities. The focus was on welfare, a sense of common humanity or brotherhood, and the elimination of differences in privilege and status between rich and poor (Brown 1988:6-7; 55; Lakoff 1964:25-30).

Like classical societies, medieval societies recognised that people were naturally different and that as a consequence inequalities existed in social status and the possession of property. The maintenance of inequality was the basis of an ordered society. (Equality of opportunity and consideration did not exist. Equality was basic to justice which required differential treatment for different people.) In medieval societies equality was regarded as an ideal of the past (Eden) or a future condition (heaven) to which some might aspire. It was not a goal to be achieved in reality (Lakoff 1964:25; Brown 1988:6;15).

Most of the above interpretations relate to material conditions and have no bearing on spiritual equality. The use of 'equality' in a transcendental and spiritual context, like spiritual immortality, is vague, ambiguous and rather superfluous. The latter also applies to moral equality. Perhaps proponents of spiritual and moral equality do not prefer to be more explicit, as several interpretations give scope for furthering a variety of social goals.

#### **4.3.5 Equality of opportunity**

Equality of opportunity does not presuppose the natural equality of human beings. Like other kinds of equality, equality of opportunity has a long philosophical history. It is generally associated with the French Revolution and is applicable to modern liberal and social democracies rather than the old liberal democratic model. Historically liberalism only gradually adopted equality of opportunity.

The notion of equality of opportunity is vague, ambiguous, controversial and open to various interpretations. In a negative sense it refers to the absence of obstacles to achieve certain goals (like employment and education). "It does not set up any particular social arrangement as a desirable goal but merely requires the absence of artificial constraints on individual achievement" (Joseph & Sumption 1979:29).

There are no barriers to prevent people from exploiting their talents. Hence, (negative) equality of opportunity is a neutral concept. In the old liberal view it does not mean an equal distribution of opportunities, which requires (positive) intervention. Equality of opportunity in a positive sense refers to intervention (in varying degrees) to remove hindrances to enable people to compete for (scarce) opportunities (Pojman no date: 15). People should be given equal opportunities. The problem, however, is that opportunities are scarce and no opportunity is equal or exactly alike another opportunity.

Sartori (1987:345) makes an important and often overlooked distinction between two meanings of equality of opportunity, namely, “as *equal access*, i.e., equal recognition to equal merit” and “as *equal start* ... i.e., as equal initial material conditions for equal access to opportunities”. Whereas the former meaning is neutral in nature, the latter is positive requiring intervention, and a fair and relatively equal redistribution of wealth. Both kinds of equality are based on the assumption that human beings are naturally unequal. Both require education, but the first (negative) kind is based on the recognition of talent and merit in the pursuit of career opportunities and goals.

It is not clear whether equal opportunity as equal access involves discrimination. Equal access, for instance, may not discriminate against applicants for a particular job on the basis of gender, race, disability, religion, wealth and nationality (which are irrelevant to job performance), but may discriminate on the basis of qualifications, experience, intellectual ability and criminal record (Pojman no date: 15). (Whether opportunity in this case is actually equal is open to question. Merit clearly applies but not factors which are irrelevant to performance.)

Joseph and Sumption (1979:31) argue that equality of opportunity does not require discrimination and that it furthers individual freedom. Sartori (1987:346) thinks that equal access is nondiscriminatory in job access and promotion. Access is equal to the equal abilities of the persons involved, and not to all persons. Equal access does not (and cannot) address the issue of whether unequal abilities are the result of nature, nurture or environment. Equal access only implies “that what is recognized and

rewarded is *actual performance* and thereby leads to equality in merit, capacity, or talent” (Sartori 1987:347). In this interpretation equal access *does not* [own emphasis] involve the points raised by Holden (1988:31-32) relating to what equal opportunities entail and whether such opportunities exist. These include consideration of whether people who have different abilities have equal opportunities when they have social positions that are equal in some sense, for instance, whether physically disabled people have to be treated unequally (to help them) if they are to have something like equal opportunities; what kind of social arrangements are necessary for equal positions to exist (if this were possible); the extent to which existing social structures like class change people’s lives to render equality of opportunity very difficult, if not impossible, to achieve; and the extent to which establishing equal opportunities may in certain cases involve the unequal treatment for some people, for example, discriminating against certain groups to give another group equal opportunities.

Equal starting points particularly concern the problem of how to develop individual abilities in an equal way. According to Sartori (1987:347) there is no contradiction between equal access and equal starting points. Once a person is given a fair start, it follows that individuals should be left to progress in accordance with their merit and ability. This is why both kinds of equality are called equality of opportunity. Tawney (1964:106) argued that the existence of (both kinds of) equality of opportunity “depends, not only upon an open road, but upon an equal start”. Thus children must be provided with an equal start relating to nurture to develop their potentialities. How this is to be achieved is a moot point. A possible way of ensuring equality would be to place children in government institutions for care and education, which Plato recommended in *The Republic*, but for different reasons. This strategy, however, is doomed to failure, not only because it would not eliminate natural differences among children, but also because of the difficulties involved in treating children equally even in the most important respects. The natural differences among children would sooner or later assert themselves and result in unequal achievements.

Logically equal starting points precedes equal access. In reality, however, this order is different. “The *means* for equal access are infinitely less difficult and less costly



than the *means* for equalizing the starting conditions” (Sartori 1987:347). Equal access does not require socioeconomic redistributions or the appropriation of wealth. Equal starting points demand redistributions and is impossible to implement. Even if it were possible to provide everyone with equal starting points in life, the outcome would be unequal. Similarly, if people were provided with equal access, the result would also be unequal. In both cases these inequalities are the result of natural human inequality. People not only differ naturally in ability, capacity, talent, skills, preferences, interests, goals, but in education, socioeconomic status, wealth and upbringing. People also use their abilities and talents in different ways, and some are more hardworking and productive than others. The elimination of natural differences among people would require genetic engineering which would place immense powers in the hand of government. Furthermore, equality of opportunity (as an ideal) is incompatible with equality of outcome (see next section). If outcomes were the same for all people, there would be no incentive to compete for (scarce) opportunities. Competition would have to be discouraged by artificial barriers or the outcome would be unequal.

The fact of natural inequality led scholars like Rawls (1980) and Tawney (1964) to argue that its outcome is unjust or undeserved, and hence requires remedial action or a more equal distribution of wealth, goods and services. (See Chapter 6, section 6.2.1.) The argument put forward by Tawney and Rawls, namely, that people do not deserve the products of their efforts resulting from the unequal distribution of their natural characteristics does not hold. It does not demonstrate that people who have not deserved or earned their natural characteristics are not entitled to their natural abilities or the results of the use of their abilities. The drawback of arguments like those of Tawney and Rawls is that equality of opportunity “can be achieved only by equalising standards of living, therefore in order to create true equality of opportunity one must prevent the ablest from achieving their full potential” (Joseph & Sumption 1979:32).

Equality of opportunity, then, regardless of the form it takes, tends to further inequality, and “may be inherently inegalitarian” in practice (Pojman no date: 16). Even if all obstacles and irrelevant distinctions were successfully removed, the

naturally more talented would attain the highest positions, and in due course the gap between the more gifted and productive and those who are lesser endowed would widen. Equality of opportunity, furthermore, does not deal with issues of social and economic inequality, which are a natural consequence of the application of talent.

#### **4.3.6 Equality of outcomes or results**

Equality of outcomes or results is sometimes called equality of condition or circumstance (Honderich no date: 9). It also refers to equality of social status, wealth or income and social goods, as well as to the proportional representation of groups (for instance, based on ethnicity, race, gender or some other criterion) at various levels of society (Pojman no date: 16). This kind of equality is espoused by social democracies or welfare states, that is, those pursuing socialist policies.

Equality of outcomes is sometimes associated with equality of treatment (see Honderich no date: 9), but it is based on different views. Equal treatment requires that people should be treated equally in respect of certain things in spite of their being different. Arguably, things may include a host of goods like equal amounts of food regardless of age, preference and appetites; equal job opportunities; equal education; equal income; equal legal rights; equal political rights; equal wealth and equal esteem. It is assumed that people have the same or similar needs, interests, preferences and goals. Equal treatment in relation to some things is clearly an utopian ideal.

Equal treatment, however, does not lead to equal outcomes or results in conditions or whatever; it does not eliminate differences. Equal laws leave people equal before the law – the talented or privileged and less talented or underprivileged remain as they are.

Equal outcomes also means that people should not be different and must be made equal. Equal outcomes require unequal treatment: *“To be made equal (in outcome), we are to be treated unequally”* (Sartori 1987:351). Equal results are the outcome of unequal treatment. The misconception often exists that equal outcomes necessarily

require “*unequal means*” for treating people differently (Sartori 1987:351). Once it is decided that certain groups are disadvantaged in certain respects, the disadvantaged must be advantaged and likewise the favoured must be disfavoured in order to eliminate the inequality. For instance, if good and bad athletes are to be given an equal chance to win a race, the former must be held back and the latter must be given a head start (Sartori 1987:351; see Nozick 1974:235). Ideally, though, equality of outcomes requires that “everyone should finish the race at the same time” (Honderich no date: 9).

Contrary to popular belief, equal outcomes require unequal opportunities. It is a fallacy to use results to evaluate equality of opportunity. Equal starting points do not entail equal results, and opportunities are not offered if the outcome is predetermined (Sartori 1987:351). The pursuit of equal outcomes, furthermore, may endanger equal treatment to the point that no assurance exists as to the pursuit of the goal. Beyond equality of access, policies aimed at evaluation are policies of redistribution and ultimately dispossession. Every intervention presupposes which inequalities are relevant. Redistribution based on an inequality will negatively affect distributions coming from other inequalities. Excessive unequal treatment is likely to start a war of all against all to satisfy egalitarian demands. If every equality is achieved by generating other inequalities and if this is generally perceived, where will it end? (Sartori 1987:352). The difficulty here is the time span required and where the line would be drawn. It is unlikely that a point would ever be reached when all obstacles and unfair social, economic or legal advantages would be removed.

The socialist ideal of equality of outcomes is unrealisable in practice. Karl Marx’s injunction ““To each according to his needs, from each according to his ability”” has been merely replaced by the modern slogan ““Fair shares for all”” (Honderich no date: 10). The assumption is that impediments to equal treatment are due to historical factors which deliberately functioned to the disadvantage of some groups (with respect to socioeconomic goods and political rights like suffrage and political participation), and not to genetic and cultural factors. Unequal results are generally ascribed to oppression. Once these impediments are removed by the political authority, then equal results seem within reach of ‘real’ or ‘true’ equality.

### 4.3.7 Political equality

Political equality was also gradually accepted by liberalism. It is applicable to the models of Anglo American democratic theory and Continental democratic theory.

Like other kinds of equality, political equality has many formulations. Generally it means that each person counts for one vote, and each person's vote is the equivalent of the next person's vote (Sartori 1987:345; see Graham 1986:54), regardless of differences of intelligence, knowledge of political issues and policies, moral integrity, insight, and education. The voting procedure, moreover, "possesses certain formal features of an appropriate kind: it is indifferent to the identity of proposers or supporters of any particular measure which might be proposed, and neutral as regards the nature of the proposals themselves" (Graham 1986:55). Political equality also refers to the formal rights of the right to vote, to hold political office, and to take part in political decisionmaking processes, and self-government in accordance with the majority rule.

Political equality is based on the supposition that each individual knows what his/her interests are and knows how to satisfy them better than any other individual. Hence, the notion of autonomy or self-government is applied to each individual (Pojman no date: 18). The participatory democratic model of Continental democratic theory espouses the active involvement of people in the formulation of policy and political decisionmaking. Their role in political processes is positive and direct, in contrast with the liberal democratic model of Anglo American democratic theory, which views universal suffrage, and regular and free elections as sufficient (Holden 1988:120).

One of the main objections to participatory democracy is that the "individualized principle of autonomy does not apply to large groups of people with conflicting interests" (Pojman no date: 18). Although voting and majority decisionmaking appear to emphasise equality by allowing equal participation in voting, in practice the outcome may be unequal in only being in the interest of some, or in the best interest of no one in particular, or a majority may impose their will on a minority

(Harrison 1993:179; Pojman no date: 18). Equal treatment in voting may lead to unequal results, while equal votes may result in unequal power. Achieving political equality in treatment and procedure is elusive (Harrison 1993:180; see Lively 1975:150).

Equal treatment (treating like cases alike) applies to democratic models (liberal, social and participatory) as a method of decisionmaking in which equal participation leads to very unequal results. A distinction must be made between equality of procedure and equality of outcome or result. Equality of procedure is closely associated with democratic models. The procedure treats everyone equally, but the outcome is unequal. Equal procedure of voting leads to unequal results. For example, when the majority decision is adopted, the minority lose out. On the other hand, a less egalitarian procedure may produce a more egalitarian result. For instance, an oligarchy or a benevolent dictator may enforce an equal distribution of property. Although the people would not have participated equally in the decision, the outcome produces equality (Harrison 1993:183).

Equal treatment, however, as a formal concept does not necessarily support procedural equality. Equal participation in decisionmaking (required by democratic systems) goes beyond formal equality of treating like cases alike. In practice though treating like cases alike with regard to the vote, allows for differences or exclusions based on, for instance, age, criminality and insanity, which justify unequal treatment. The outcome is unequal in practice.

Formal equality (of treatment) applies to democratic and nondemocratic systems; it is neither particular to democracy nor can the latter and procedural equality be derived from formal equality (Harrison 1993:185). The most that can be said is that regardless of the extent of equal participation, the rules are applied equally in a particular way.

### 4.3.8 Marxist equality

The Marxist conception of equality is rather vague. It seems to refer to an ideal communist society which adopts the slogan ‘from each according to his ability to each according to his need’. Once the proletariat (during the second stage of the revolution) completely controls all the means of production and people are emancipated from bourgeois property, individual equality would have been achieved in this ideal society (see Joseph & Sumption 1979:8). Presumably the division of labour is one of the causes of inequality. Once classes and the division of labour have been abolished, equality would exist. Equality is the outcome of an advanced process of production.

The rule ‘from each according to his ability to each according to his need’ is based on two unwarranted assumptions. In the first instance, it is assumed via the acknowledged or unacknowledged notion of a Rousseauian general will, that some know what the preferences and values of the people are, and in the second instance, that people are undistinguishable, namely, that “they are a homogeneous mass whose tastes and values in life can be treated as uniform” (Joseph & Sumption 1979:64). Giving each person the same quantity of goods, wealth, or of whatever else, is practically impossible and morally undesirable. These assumptions make it possible to argue that the values and preferences of people would be catered for by a particular socio-political arrangement. Such an order would require extensive intervention and control by a large bureaucracy.

Furthermore, the slogan ‘from each according to his ability, to each according to his need’, seems to be inegalitarian because the abilities and needs of people differ. Outside the family or small group, the notions of need and ability become amorphous. One person’s need may be a luxury for another. Apart from the difficulty of defining need, which is relative and varies in and among individuals, cultures and societies, and establishing the extent of needs (which include the material, psychological and the intellectual), the problem exists of the weighting and ranking of needs. In giving content to a rule, the focus shifts from the abstract to the substantive, which has nothing to do with equality, and the application of which

results in inequality. More specifically, “needs, even when defined functionally, are vastly different and demand different levels of input to be satisfied, some people will obtain far more resources than others” (Pojman no date: 13).

In this ideal society, however, “the achievement of equality was to render all forms of domination and individual antagonism completely obsolete” (Lakoff 1964:195). The human character would be transformed when material abundance is achieved. The division of labour, classes based on status, wealth, power and vocation, and the government as an instrument of coercion would cease to exist. People would be free from want of material goods and could pursue numerous occupations. Government presumably would perform only administrative functions (Lakoff 1964:195).

It seems unlikely that human nature will change under a new political order. Despotic measures will surely be necessary to establish equality and to maintain it (see Joseph & Sumption 1979:46). The achievement of the goal or ideal of equality further raises the possibility of unequal relations in the administrative and political spheres. Lakoff (1964:240) comments that: “The coordination and control required in a socialist society make large-scale bureaucratic hierarchy indispensable. Collective ownership, it is now obvious, does not preclude the rise of a new managerial class”. It also seems unlikely that the functions of a new political arrangement would be limited to administrative measures.

Marxist thought is ambiguous about the establishment of equality. Firstly, it appears that values will change as a result of progression of production. Secondly, it seems that once capitalism has ceased to exist and the initial stages of socialism have been achieved, technological determinism will also come to an end. Human beings, by asserting their natural qualities and values, will take control of technology and will no longer be subjected to it. In one sense the achievement of equality is a logical outcome of historical forces; and in another sense equality is an achievement which depends on “the final self-abrogation of the laws of history” (Lakoff 1964:224; see Chapter 5, section 5.2.2). The assumption is that a natural condition of human beings exist apart from historical interpretations of human nature. The Marxist notion of equality amounts to a paradox. Moreover, if technological and economic ideas are

historically determined, then they themselves must have been so determined, which is fallacious and contradictory.

#### **4.3.9 Mathematical equality**

Historically the meaning of equality as a *mathematical* concept is incontrovertibly well established. Equality is “originally a term borrowed from mathematics” (Ludovici no date: 62). It is the only meaning of equality that is unambiguous, sensible and applicable: “Equality means equation; we write an equation sign and put something else on the other, and declare them to be equal” (Gordon 1980:99). Equality “implies measurement by the same rule, whether the reference is to amount, level, degree, number, magnitude, intensity, proportion, quantity, quality, or whatever” (Cauthen 1987:4). The rule of measurement must be clearly stated because things that are equal in some respects may be unequal in other respects. Ludovici (no date: 64) is adamant that equality is a mathematical concept:

Provided that the mathematical abstracts, or arbitrary identities, size weight, bulk and number, alone, are in question, equality can be postulated; but the moment mathematical abstractions are departed from ... it is positively dishonest to speak of equality.

The implication is that apart from mathematical abstractions, the concept of equality is inapplicable to human life and to substantive issues.

#### **4.3.10 Economic equality**

Economic equality refers mainly to the equal redistribution of material goods like wealth, income and property by means of inheritance laws and progressive taxation so that people have the same power and economic resources (see Pojman no date: 12). Its implementation requires the appropriation of wealth. Economic equality is associated with socialism which can be Marxist, non-Marxist or semi-Marxist (Sartori 1987:367), and with utilitarian equality (see Pojman no date: 12). Marxist economic equality (see Marxist equality) refers to “either the same wealth to each and all, or state ownership of all wealth” (Sartori 1987:345). Historically the state or public ownership of wealth and property has not presented a solution to economic



inequality. Socialists (including those of a democratic orientation) have also failed to resolve this problem. If the state is the major employer, and the owner of resources and the means of production, it possesses vast powers and is able to control people's lives. No person is likely to oppose it when that person's livelihood depends on it. Those in power also are not likely to be subject to any control. An all powerful state is unlikely to be benevolent when it gets out of control. Deliberate and extensive intervention would be necessary to implement economic equality.

Economic equality is not a liberal democratic staple. In modern times liberals who tend to be more social than liberal in orientation espouse economic equality in varying degrees. Social democracy, of which America is probably an example, in this context refers to a way of life, a levelling of social status, equality of treatment and justice. In the economic sphere social democracy stands for a mixed economy with some economic intervention by the state and the redistributive mechanisms of the welfare state (Heywood 2000:74). Social democracy, however, has a second meaning as a way of governing. The second sense approximates models of Continental democratic theory. It furthers economic equality with varying degrees of nationalisation, positive freedom and social duty, and can turn into a socialist democracy (see Sartori 1962:370).

Governmental intervention to further economic equality, in Sartori's (1987:347) view, takes place in two ways. In the first instance, each person is given sufficient resources to afford equal opportunities to progress. This recognises the natural differences among people. In the second instance, resources are taken away from all people for the sake of equality. Everyone is brought down to the same level to resolve existing inequalities. Attempts to impose economic equality are likely to result in economic inefficiency and totalitarianism. Experiments in establishing economic equality are subject to corruption and tyranny (Teichman & Evans 1995:130-131).

Achieving economic equality is possible only through inequality. People have to be treated unequally to achieve economic equality. (An extensive bureaucracy and powers are required to redistribute income and material goods and inequality is the

likely outcome.) Conversely, if people are treated equally, the outcome would be economic inequality. Even if a redistribution is relatively successful, a permanent condition of equality is impossible to attain. Any attempt to maintain economic equality requires excessive interference in people's lives, disadvantaging those who are more talented, productive and ambitious. Alternatively, a government would have to engage in genetic engineering and medically disable the more talented (Teichman & Evans 1995:131-132).

Equality of, say, income, would only be possible by sacrificing other aims. It is based on the erroneous assumption that incomes remain unchanged. The wealth which exists in a society at any time is given; it has not been made, it is simply there (Joseph & Sumption 1979:85). The only requirement is that income only has to be distributed more equally than before (assuming, of course, that the existing economic system is a free market one). Equalising income, though, leads to a reduction of the total and average income. Economic equality is also ambiguous because of its relationship to needs, wants and deserts.

Even if all persons were financially equal at a given time, inequalities would arise because of the natural differences among people and their different needs, wants, interests, preferences and goals. Equality would have to be continuously re-imposed by government through progressive taxation to redistribute income. Eventually people would lose the incentive to produce more than required for their needs and eventually there would be nothing left for a government to redistribute. The outcome would be equality in poverty (Hospers 1990:396).

Utilitarian (economic) equality, with particular reference to the notion of the diminishing marginal utility (of income) seems to be another kind of formal equality. Upon consideration, however, it involves redistribution and turns out to be a factually incorrect notion. (See, for example, modern exponents of utilitarian equality like W Paley [1785] and R M Hare [1978].)

The notion of diminishing marginal utility holds that all things being equal, each additional unit of money or income, for example R1, helps the poor more than a

richer person, so that the aggregate utility is maximised by redistributing income from the rich to the poor (Pojman no date: 8). It supports progressive taxation, but it is “an artificial argument for redistribution based on the measurement of satisfactions which are unmeasurable, and the comparison of experiences which are not comparable” (Joseph & Sumption 1979:70). The notion of the diminishing marginal utility of income assumes that a person will not measure “the utility of the top slice of his income against the inconvenience of earning it” (Joseph & Sumption 1979:69), against any risk or leisure lost in acquiring the last portion of income. In practice people are not inclined to work beyond the point where the burden of extra work exceeds the satisfaction of the extra income required. Diminishing marginal utility also never takes into account the question of who determines the amount of utility conferred by successive acts of consumption (Joseph & Sumption 1979:69).

The idea of diminishing marginal utility, arguably, does not seem to further economic equality, but seeks to reduce poverty or to reduce the gap between rich and poor. If economic equality is the issue (equality is an intrinsic good), then wealth must be redistributed even if everyone is left worse off. However, if the reduction or elimination of poverty is the goal (equality is instrumental), then the best means to achieve it is at issue (Pojman no date: 8). Rawls’ difference principle permits inequalities if it works in favour of the less better off (see Chapter 6, section 6.2.1.)

#### **4.3.11 Equality as an ideal**

Equality as an ideal is also problematic. In a moral sense it can be interpreted as an ideal which is derived from the principle of giving each person his/her due. Along similar lines Rees (1971:11) describes equality as an ideal as “something men aim at or by reference to which they guide their conduct”. The existence of factual inequalities (of whatever kind) furthers equality as an ideal and inspires human action. Inequality is not the issue, but those inequalities that are perceived as arbitrary and unfair in a given place and time. Equality then becomes a moral issue and an ideal (Deininger 1965:276). Sartori (1962:327) regards equality as “a *protest-ideal*, a symbol of man’s revolt against chance, fortuitous disparity, unjust power,

crystallized privilege”. Equality is pursued as an ideal because it is deemed desirable.

Equality as a moral ideal is nevertheless, according to Deininger (1965:267), a strange value if people argued that they should be equal in certain respects, while they actually believe that they are not equal. As alluded to previously, a necessary connection does not exist between the presumably factual assertion of human equality (or inequality) and the moral principle that they ought to be treated equally (see Sartori 1962:329).

Realising the ideal of equality presents problems. While arguments for equality are “intelligible and appealing”, the arguments for realising the ideal “become thin and far less convincing” (Sartori 1962:328). In Joseph and Sumption’s (1979:121) view, the ideal of equality “may be elevated”, but “the reality of equality is grubby and unpleasant”. Furthermore, “[i]n the name of an ideal which promises what it cannot give, it is necessary to embark on a continual process of mutual inspection and assessment, to give institutional form to every mean resentment, to require every man to justify those respects in which he is happier than his fellows” (Joseph & Sumption 1979:121). As pointed out previously, the natural differences among people give rise to various kinds of inequality in reality and the implementation of kinds of equality constantly require reinterpretation and reinforcement by government (see Deininger 1965:276). Furthermore, the various kinds of equality, as ideals, are not fully realisable and may conflict in practice. For instance, equality of treatment (in all respects) seems to conflict with equality of opportunity. As Rees (1971:99) explains:

For if we are all to be treated in the same way this must carry with it no more important requirement than that none of us should be better or worse off in the upbringing and education we receive than anyone else, which, as has often been argued, is an unattainable ideal for human beings of anything like the sort we now are and seem likely for a long time to be.

Equality of opportunity as free and fair competition requires that people are equally eligible to opportunity according to their talents and abilities. This kind of equality does not imply or entail an organised equal distribution of opportunities. Everyone

having a fair and equal chance to opportunities does not mean that everyone is equally likely to succeed. The ideal of equality of opportunity cannot work except if actual inequalities, which are relevant and legitimate, existed among persons (Flew 1989:176). Even if equality of opportunity existed, the outcome of equality is unlikely to be equal because human beings differ naturally.

The ideal of equality of opportunity is also incompatible with equality of outcome. If outcomes can be made equal for all, the incentive to compete would cease to exist and there also would be no scarce opportunities to compete for. To make outcomes equal requires the impossible goal of altering natural human talents, abilities and all factors determined by the environment.

Furthermore, kinds of equalities tend to have unequal outcomes because of natural human inequality, and thus fall short of achieving their aims. Some kinds of equality also appear to be mutually incompatible, and neither imply other kinds of equality nor can one kind of equality be derived from another. For instance, even if natural equality were factually true, depending on whether the respects in which human beings are equal can be clearly specified, it does not imply (a) the moral injunction that all people ought to be treated equally in certain respects, and (b) spiritual equality pertaining to equal worth in God's sight. These two kinds of equality neither imply each other, nor do they imply natural equality. None of these equalities imply any kind of equality, whether social, economic, political, opportunity or outcome. Equality of opportunity is not logically connected to equality of outcome, although this is often thought to be the case.

However, if it were accepted that human beings are equal, at least in some respects, then it seems probable that the possibility of moral equality would also be accepted. If the latter is granted, then it seems that violations of the prescriptive equal treatment would be regarded as wrong (see Bedau in Pennock & Chapman 1967:17). These equalities, however, are not logically connected or implied.

It may be argued that equality, as a moral ideal, is redundant or empty. It may also conflict with other social values like freedom and its realisation comes with a price.

Rejecting equality as an ideal, however, does not mean that inequality is supported as an ideal.

#### 4.4 THE ASSUMPTIONS OF EQUALITY

Egalitarian arguments and demands for substantive equality, in particular for a more equal distribution of goods, are based on questionable socialist assumptions:

1. A person has no right over his/her own talents and abilities, and the product of the effort resulting from the use of those talents and abilities.
2. A person's talents and superior economic ability are "the collective property of the community" in which that person lives (Joseph & Sumption 1979:86).
3. A person's wealth is always acquired at the expense of, or through the exploitation of the poor (Flew 1989:52). The wealth that exists in a society at any time is also given; it has not been made, it is simply there. The problems of distributing wealth is then "likened to the distribution of heavenly manna or the slicing of cake" (Joseph & Sumption 1979:86; Flew 1989:52).

The first assumption is a variation of the theme that no person deserves anything because nobody is responsible for his/her own natural characteristics, talents and abilities; nobody deserves anything that materially results from the use of natural talents and skills. As mentioned previously, Rawls (1980:100) accepts natural inequality but argues that "since inequalities of birth and natural endowment are undeserved, these inequalities are to be *somehow* (own emphasis) compensated for". The government must then eradicate undeserved, unjust and unjustified inequalities. But it does not follow that persons cannot be entitled to the product of their efforts resulting from the use of their natural abilities to which they are surely entitled, even if they are not responsible for, or do not deserve their abilities and talents, or having been born into a more socially advantaged position (Flew 1989:155-156). It should also be noted that Rawls makes a category mistake in regarding natural characteristics, talents and abilities as unjust or undeserved. They are natural facts which cannot be changed, and hence cannot be just or unjust. Natural endowment is not a matter of morality. From a moral point of view a person's natural and initial

social situation is arbitrary. It is unwarranted to argue from a natural fact (which is neither just nor unjust), that resulting inequalities constitute a moral problem and become an issue of justice. It also does not follow “from the premise that our natural characteristics are not themselves deserved, to the conclusion that what they make possible cannot be either itself deserved or a proper basis of desert” (Flew 1989:153; also see Chapter 6, section 6.2.1).

Sraffa (1971:10) is an exponent of the second assumption involving equality of outcome:

The means of production being the collective work of humanity, the product should be the collective property of the race. All things are for all men, since all men have need of them, since all men have worked in the measure of their strengths to produce them, and since it is not possible to evaluate everyone's part in the production of the world's wealth.

This argument is based on a misconception of human nature, economics, the working of a market system, and trade and contracts (see Flew 1989; Joseph & Sumption 1979; Dixon 1986; Brown 1988). Wealth cannot be simplistically regarded as a total social product. “The view that wealth is the result of some undifferentiated, collective process, that we all did something and it's impossible to tell who did what, therefore some equalitarian ‘distribution’ is necessary ... is so crass an evasion that even to give it the benefit of the doubt is an obscenity” (Rand 1967:30). Human achievement in industrialised societies is a matter of public record. Moreover, differences in wealth represent real differences of economic abilities and reflect real differences in the value of individual contributions to the total wealth in society (Joseph & Sumption 1979:88). Demands for the equal distribution of the social product fail to distinguish between society and the state, and assumes that the social product is the product of a single entity – society. The social product is the product of the efforts of people, regardless of whether they are individuals, or organised into groups, businesses or industries.

The third assumption implies a causal link between the rich and the poor. As a “universal fact” the more advantaged always have caused and are causing the less advantaged to be poor (Flew 1989:198). (The opposite is seldom argued, namely,

that the poorer are ‘causing’ the richer to be less well off.) Empirical evidence does not support such a causal relation. In addition, in the absence of coercion, the poor have far more to gain from the productive efforts and technological discoveries of the better off and more talented.

The belief in the postulated relation between riches and poverty presupposes firstly, that there is, and always will be a fixed amount of wealth available; and secondly, that the poorer can only become better off by receiving some kind of assistance (taken away from others). It is furthermore assumed that the quantity of wealth available for redistribution in the future will hardly be affected by the amounts involved and the manner of the envisaged distributions (Flew 1989:199). The agents of distribution have to determine the needs, wants and preferences of people. Presumably they know better than anyone else what those wants, needs and preferences are and allocate resources according to their will. Furthermore, it is also assumed that the wants, needs, preferences and values of people are uniform; that people are generally motivated by a desire for more material wealth; and that they have similar ideas on how they will spend their increased wealth when they get it. These assumptions must be accepted, otherwise it cannot be argued that all people would be happier under a centralised order which objectively assesses the wants, needs and preferences of people.

In reality wealth is produced by human activity. Causal laws governing wealth production do not exist. No determination or necessity is entailed in human action. Although there may be regularities in human behaviour which sometimes permit prediction, physically necessitated behaviour does not and cannot constitute action (Flew 1989:201).

#### **4.5 THE RELATIONS BETWEEN EQUALITY, LIBERALISM, SOCIALISM AND DEMOCRACY**

The relations between liberalism, with the focus mainly on liberal freedom and democracy, and socialism were discussed in the previous chapter (see Chapter 3, section 3.9). It was evident that the concepts of democracy and freedom play an important role in the liberal democratic model of Anglo American democratic theory.



The role of equality is less clear in the liberal democratic model, but it is of great importance because of the role equality plays in the tensions between freedom and democracy (Holden 1988:14; see Chapter 5).

It seems that equality is the main value of the (modern) liberal and social democratic models of Anglo American democratic theory, and the models like participatory and people's democracies of Continental democratic theory. The importance of equality to democracy in general is attested to by various scholars.

For Sartori (1962:354) equality is the main value of 'democracy' in liberal democracy. Whereas liberalism values freedom, democracy stresses equality. Heywood (1994:174) identifies equality as the central value of the social democratic model, which is supported by Marxists and socialists. Democracy, furthermore, is egalitarian in nature, and opposed to privilege and hierarchy. It supports popular decisionmaking based on some conception of a general will (rather than the wills of individuals), and represents the collective interest (as opposed to that of the individual). Hallowell (1954:115) regards (moral) equality as fundamental to democracy. Liberalism, of course, espouses the equal moral worth of individuals. As mentioned previously, the use of moral equality to infer or promote other kinds of equality is erroneous. "The fact is that men are endowed differently by nature; thus the demand that all should be equally treated cannot rest on any theory that all are equal" (Mises 1981:65). Lecky (1838-1903) (in Bramsted & Melhuish 1978:618) again sees equality as "the idol of democracy", which can be realised only by "a constant, systematic, stringent repression" of the natural development of the abilities and capacities of human beings. If natural development is unimpeded, inequality ensues.

Having established that equality (of various kinds) plays an important role in democratic thought, it is appropriate to sketch the historical development of the troublesome concept of equality to arrive at some understanding of the relations between equality, liberalism, socialism and democracy.

Historically egalitarian principles like equality before the law, equal laws and equal freedom were not derived from the premise of human equality (Sartori 1987:339). The ancient Greeks did not believe in natural equality and their conception of equality before the law disappeared with the demise of Greek democracies. Equality before the law, arguably, had its foundation in the Christian ethical concept of human equality in dignity and worth. The doctrine of natural law in the seventeenth century produced the notion of equal and inalienable rights. Rights and equality before the law are closely linked to liberal freedom and constitutional protection, and not with ancient democratic practices. These equalities are not related to democratic thought. In fact these kinds of equality preceded democracy (Sartori 1987:342).

In Bobbio's (1990:33) view, one kind of equality, namely, equality in the right to freedom is compatible with liberalism and demanded by its notion of freedom. Equality in freedom means that each person enjoys as much freedom as is compatible with the freedom of others. In other words, a person may do anything that does not infringe on the equal freedom of others. However, it may be argued that people cannot be free and equal. Literally, it serves no purpose. "For there can be no society where men are entirely free; nor one where all men are equally possessed of power and authority" (Rees 1971:79). People use their freedom unequally or in different ways because of different abilities, needs and values. If people used their freedom equally or in the same way, freedom would be destroyed (Bovard no date: 5).

Nevertheless, liberalism supports equal freedom. Equal freedom gained expression in two equalities which are closely associated with liberalism:

1. equality before the law (which can be oppressive in practice), and
2. equality of rights contained in constitutional provisions.

In liberal thought these equalities serve to exempt people from discrimination on various grounds, including birth, race, social class, gender and religion.

Equality before the law, however, is contained in the French constitutions of 1791; 1793 and 1795, and the Fourteenth Amendment to the Constitution of the United

States. Equality of rights in constitutional provisions is enshrined in Article One of the 1789 Declaration of the Rights of Man and of the Citizen (Bobbio 1990:33). According to Sartori (1987:342-343), the democratic notion of equality is located in “the various *French Declarations of rights*” (1789, 1793 and the Constitution of 1795). These documents, which associated democratic ideas with equality, concerned equal rights, equal laws and equal access to political office. These equalities, however, were qualified by criteria like intelligence and virtue. Economic equality was specifically excluded from the documents. French revolutionaries were concerned with equal rights and equal laws, and not with economic equality. The doctrine of egalitarianism inspired the French Revolution. The revolutionaries at that time failed to anticipate possible conflicts between the values of freedom and equality, which they both supported.

Equality before the law and equal rights bear no relation to democratic egalitarianism or radical egalitarianism, which expresses the equalisation of outcome in the economic sphere – a notion which is foreign to liberalism. The equalities of liberalism, including equality before the law and rights, are closely linked to liberal freedom. These equalities are limited by the aim of protecting individual freedom. In other words, they end where the aim ends (Sartori 1987:341-344).

In the post Napoleonic period, democratic equalities, namely, those equalities that Sartori (1987:343) regards as characteristic of the democratic element rather than the liberal element of liberal democracy – were gradually incorporated in liberal democratic thought. These equalities were universal suffrage (the extension of the vote to everyone to complete political freedom); social equality (equality of status and consideration which rendered wealth and class distinction irrelevant); and equality of opportunity (equal starting points but not equality of outcome) (see Bobbio 1990:37).

It took liberalism a long time to accept political equality (universal suffrage). Although many liberals regarded the extension of suffrage as undesirable, universal suffrage, in Bobbio’s (1990:38) view, is not in principle inconsistent with a minimal state or a rights based state. However, the successive extension of the franchise

meant an increase in political equality which made groups in society politically more equal (Harrison 1993:177). Liberalism then also accepted political equality in the sense of direct and indirect political participation in collective decisionmaking by the majority of the citizens (Bobbio 1990:38). Liberalism was also more concerned with political freedom than with social equality. Social equality in the sense of equal respect regardless of rank and status represents the democratic ethos. In the nineteenth century, the French aristocrat Alexis de Tocqueville warned of the ‘tyranny of the majority’ as the likely outcome of efforts to achieve a certain level of social and economic equality (see Chapter 5, section 5.3.1). The realisation of these equalities would impede valued freedoms, like the freedom of speech, and lead to conflicts between freedom and equality.

In the twentieth century liberalism adopted equal opportunity based on two considerations, namely, the development of individual freedom and that the realisation of equal opportunity does not conflict with individual freedom (Sartori 1987:344). (As equality of opportunity can be interpreted in different ways, liberals and democrats in liberal democracies disagree on its achievement.)

In liberal democratic literature the following became necessary conditions for political equality: universal (adult) franchise; freedom of expression to state and promote political views and aims; freedom of association and organisation to achieve political goals or to influence political behaviour. These conditions may be necessary, but are not sufficient because it is practically impossible for everyone to be in the same favourable or unfavourable position in the opportunity to engage in these activities (Rees 1971:50).

As alluded to previously, liberal equalities were aimed at safeguarding and strengthening individual freedom. Freedom does not further or equalise opportunities. The equalities of democracy do not follow from freedom. Sartori (1987:342) describes the relation between equality and democracy as follows:

Equality and democracy coincide only in the sense that the egalitarian ideal can be raised to the status of the symbol par excellence of the democratic idea. This means that the demand for equality attains its greatest force and expansion within a democratic system.

Democracy requires equality and democrats tend to favour more equality and less freedom. If greater equality and only a little freedom are chosen, a movement is made from the liberal and social democratic models of Anglo American democratic theory to the social (more socialist) democratic model and other variants of Continental democratic theory, which are concerned with economic equality. Since the Second World War, however, Western liberal and social democracies have favoured increasing governmental intervention in the economic and social spheres of human activity. The difficulty of maintaining a free market system and simultaneously promoting kinds of equality, however, resulted in the adoption of more market orientated policies and values (Heywood 2000:74-75).

Equality is the central value of socialism, which can be non-Marxist, semi-Marxist or Marxist. Social democracy, which has many variants, can be associated with social equality and justice, and with the (modern) liberal notion of positive freedom and social duty. The social democratic model generally supports a mixed economy with some nationalisation, economic intervention by the government and redistributive mechanisms (associated with the welfare state). A social democracy seeks to achieve a balance between government control and redistribution according to moral rather than economic rules, and the operation of the market. It stands for social levelling or the reduction of class divisions, cohesion, and promotes positive freedom through the satisfaction of needs and by permitting self-development (Heywood 2000:74,76).

The view that democracy and socialism is related was popular many decades ago (before the Bolshevik revolution). Many believed that democracy and socialism meant the same, and that democracy was not possible without socialism, or that socialism without democracy was impossible (Mises 1981:67).

Marxists believe that the following are necessary conditions for the achievement of political equality in a 'true' democracy, which reflects some conception of the general will: social ownership and the control of the means of production. Both require the destruction of capitalism. Socialism, it is argued, is democratic because people participate in political and economic decisionmaking (in a classless society).

Economic equality and equality of income, however, do not follow necessarily from democratic ideas. These equalities belong in the social context (Mises 1981:67). Equality of income is sought through an equal distribution of goods. Demands for economic equality was a force in the nineteenth century and the first decades of the twentieth century, and led to Marxist demands for equality (Sartori 1987:345). The socialist demand of economic equality is a modern phenomenon. Democratic economic equality differs substantially from the socialist and Marxist formulations of economic equality (Sartori 1987:344). Marxists criticised the practice of social democracy. It supported the perceived defective economic system of capitalism and betrayed socialist principles (Heywood 2000:75).

However, social democracy is not necessarily related to democratic socialism. Socialist democracy (also see the participatory democratic model of Continental democratic theory) pertains to direct democracy in the dual sense of a democracy consisting of all the people without representatives, or to a democracy based on mandated delegates subject to recall, and not on representatives. A socialist democracy allows and promotes active participation in political and economic decisionmaking, and the extension of participation in other areas as well. The exercise of popular sovereignty in all areas constitutes the essence of democracy (Bobbio 1990:77).

In contrast with the liberal democratic model which may offer direct or indirect participation in political decisions, but not increased equality in the distribution of economic power, socialist democracy aims at a more equal distribution of economic power, thus transforming participation into a substantial power. At the same time the ideal of equality is promoted among the people (Bobbio 1990:77).

Socialists and communists (as well as some anarchists) favour economic equality, social equality, and equality of outcome (end results and rewards) as goals. Socialists promote a high degree of social equality. Marx, by advocating the abolition of private property and the common ownership of the means of production, endorsed social equality in an absolute sense. Proponents of social equality seldom appeal to

natural equality. They argue that differences arise from unequal treatment by society, rather than from unequal natural endowment (Heywood 2000:233-234). Advocates of equality of outcome (social democrats, socialists) “usually argue that it is the most vital form of equality, since without it other forms of equality are a sham” (Heywood 2000:233). Hence, for instance, legal equality and equal (civil) rights hardly benefit those who do not have secure employment, shelter and adequate wages. Equality of outcome, furthermore, is regarded as a prerequisite for securing positive freedom.

From the forgoing, it seems clear that the liberal democratic model of Anglo American Democratic theory supports formal legal equality, political equality in its formal and substantive senses, and equality of opportunity as equal access and in varying degrees as equal starting points. Economic equality, social equality, political equality, equality of opportunity and equality of outcome are supportive of the social democratic model and other models of Continental democratic theory.

It is appropriate to narrow the focus to examine the nature of the relation between equality and democracy as located in Anglo American democratic theory and Continental democratic theory.

#### **4.5.1 The relation between equality and democracy**

In an attempt to clarify the relation between equality and democracy it should be established whether the relation is contingent or necessary. Although the liberal democratic model can further other kinds of equality, Continental democratic theory seems to emphasise equality more than Anglo American democratic theory. The models of Anglo American democratic theory and Continental democratic theory support political equality. (The models of the former school support indirect participation, while models like participatory democracy tend towards direct participation.) Political equality encompasses universal suffrage and a decisionmaking rule like the majority rule. Although models further other kinds of equality in varying degrees, the achievement of political equality is deemed fundamental.

The fundamentality and range of political equality is affirmed by Heywood (2000:125; see Lively 1975:109): political equality as “an equal distribution of political power and influence” (as implied by ‘the people’); political equality as popular participation (as implied by rule ‘by’ the people); and political equality as rule in the common good or public interest (as implied by rule ‘for’ the people). Similarly, Kuehnelt-Leddihn (1952:7) stresses that democracy is based on two postulates, namely, legal and political equality (universal franchise), and self-government which may be direct (the whole population) or indirect (by means of representatives), “based on the *rule of the majority* of equals”. The notion “that democracy actually *is* self-government” (Kuehnelt-Leddihn 1952:91) is premised on the assumption that all human beings (despite their differences) are equal in some sense or possess some essential equality (Holden 1988:177). Such an argument (made by philosophers and theologians who were influenced by Rousseau) reflects an artificial conception of human beings, an out of focus idea of the common good, and a view of society consisting of the opposites of atomistic and totalitarian elements (Kuehnelt-Leddihn 1952:92). If the human self is seen in this way, namely, from a nationalistic or a collectivistic way, and if the greater part of the population is identified with the whole, then the idea of self-government is justified (Kuehnelt-Leddihn 1952:106-107). Yet the notion of self-government, in Kuehnelt-Leddihn’s (1952:109) view, is not particular to democracy: “The concept of ‘government by consent of the governed’ is practically identical with that of ‘self-government’; personally and ‘existentially’ it is an accidental concomitant of *any* form of government including tyranny”. If this is the case, then a necessary link does not exist between self-government and democracy.

The issue of whether the connection between political equality and democracy is necessary or contingent concerns political participation in elections, the operation of the majority rule, and the extension of power to the economic sphere. The latter is particularly applicable to the participatory democratic model of Continental democratic theory.



#### 4.5.1.1 Equality is essential to democracy

Here democracy is defined in terms of political equality. In order to determine whether political equality is essential to liberal democracy, a distinction should be made between meanings of democracy.

The first meaning of democracy as a procedure whereby the whole people make “basic determining decisions” on important public policy issues (Holden 1988:5). The emphasis is on political equality; equality of political power and influence. Democracy, in contrast with regimes like an aristocracy and an oligarchy, “seems necessarily and essentially to give everyone equal power” (Harrison 1993:178). Equality then follows from the meaning of democracy. However, this issue is not clear cut. Ross (1952:133) argues that political equality is not particular to democracy:

Equality includes equality in political power as well as in the lack of it; equality in freedom as well as in bondage. Even the many who are without rights whatever are subjected to an authoritarian government, are still equals.

Depending on circumstances and regardless of the kind of regime, people can be equals in bondage.

Nevertheless, it is argued that a close connection exists between political equality as equality of political power and influence, and democracy. Majoritarian decisionmaking ‘by the people’ emphasises popular political participation (Heywood 2000:125). This meaning implies “that equality will exist in a democracy” (Holden 1988:11).

The liberal democratic model of Anglo American democratic theory supports popular participation by the people. This follows from the liberal democratic model’s individualistic conception of the people. All individuals, the whole people, (people consist of a certain number of individuals), must be involved in decisionmaking. Each person must have an equal say. The notion of one person one vote is generally accepted as a distinguishing characteristic of democracy. It directly reflects decisionmaking by the whole people (Holden 1988:15-16).

The meaning of democracy in a direct sense is found in the participatory model of Continental democratic theory. If democracy is defined in terms of political equality, a very close connection exists between equality and democracy. However, political equality more correctly should be seen as a (desirable) characteristic of democracy so that it does not form part of the definition. Political equality may be seen as a logical and necessary condition for a political system to qualify as a democracy. Hence, a distinction should be made between a necessary condition and political equality as a defining characteristic. The meaning of democracy as government or rule by the people must be separated from the question whether political equality must exist before a political system qualifies as a democracy (Holden 1988:16).

Another meaning of democracy connects democracy necessarily to equality (see Chapter 2, section 2.2). According to Holden (1988:11) “democracy is necessarily a society in which there is equality” or democracy “actually *means* a society in which equality exists”. Equality here encompasses political, social and economic equality.

As mentioned previously, the term ‘social democracy’ refers to a society where few differences exist in the status and/or privileges of people, or to a nearly classless society. Social democracy is also used with democratic socialism to include social equality and the means for bringing about some desirable state of affairs whether democratically or by revolution (Holden 1988:17).

The above meaning of democracy usually includes the terms ‘social democracy’ and ‘economic democracy’ which refer to arrangements where social and/or economic equality exists. A distinction is often not made between these equalities and their meanings tend to merge (Holden 1988:16-17). By sleight of hand, the term ‘economic democracy’ in referring to the economic elements of social equality, is taken to mean that social equality implies economic equality. This practice amounts to an abuse of terms. The one kind of equality neither implies, entails nor necessitates the other kind. This abuse is also reflected in another meaning of economic democracy. Democracy in the sense of rule by the people is given an additional connection to mean or imply “equality of control over the economy” (Holden 1988:17).

Marxists and socialists often argue that political equality without social and/or economic equality is a facade. Hence, democracy defined by, or associated with political equality, is a facade. Political equality then is not truly equality, or political equality cannot exist without social and/or economic equality (Holden 1988:17). (See Chapter 5, section 5.2.2.)

Finally, another argument holds that there is a connection between democracy and equality “to the extent that increasing equality is a prerequisite for the continued existence of democracy” (Ross 1952:134). A society characterised by social and economic inequality is unlikely to develop the values necessary for the existence of a democratic order. In this view, equality is a necessary condition for democracy. This argument, however, is not convincing. People think differently and value different things. Furthermore, if a person values equality, it does not follow, as a matter of necessity, that democracy is preferred or valued.

#### **4.5.1.2 The connection between political equality (universal suffrage) and democracy**

Equality is necessarily connected to (liberal) democracy in the sense that certain equalities, namely, political equality in suffrage and decisionmaking (also see next section) are necessary conditions for the existence of democracy (Lively 1975:28). Rees (1971:38) notes that universal franchise is “a necessary condition of political equality”, but it is not sufficient to ensure political equality in liberal democracies. Moreover, universal suffrage is “insufficient to reach even an approximation to political equality” (Lively 1975:27). In addition to universal suffrage, other factors relating to political participation are required, like joining political parties, taking part in political activities, organising to achieve political goals and decisionmaking. These require that everyone should be in the same position, whether favourable or unfavourable, in the opportunity to engage in these activities (Rees 1971:50), which is obviously not the case in practice.

The seemingly necessary connection between universal (adult) suffrage and democracy breaks down in reality and the relation becomes contingent, and problematic. Political equality requires that every adult has only one vote and that every person's vote carries equal weight. It is doubtful whether equal voting guarantees or implies political equality a meaningful sense. Voting, as a matter of quantity, does not allow people to transmit their views in "sufficient quantity or with sufficient frequency" (Holden 1988:118). Voting at the beginning of the decisionmaking procedure may also be undermined by limited opportunity to stand as a candidate and the extent of influence a person can exert over voters. Opportunities are unequally distributed and vary according to factors like family background, wealth, educational achievement, work experience and social status. Then there are differences in genetic endowment which produces differences in intelligence, ability and skills. These inequalities tend to render equality of voting insignificant (Graham 1986:56-57; Lively 1975:50-51).

Furthermore, in large modern states it hardly matters whether an individual participates in elections. The individual is only a number, a fraction of the whole and thus dispensable. A voter also often votes against someone or something, unless that person supports some political belief and overlooks the personality of the candidate. A person who votes for a particular party (say socialist), but finds himself/herself under the governance of another (possibly opposing) party, cannot have said to have exercised self-government (Kuehnelt-Leddihn 1952:107-108).

Political equality in voting in practice may be undermined by electoral systems and forms of representation. The simple plurality system of electing representatives permits a party to gain a majority of seats with less than half of the popular vote (Rees 1971:41). Great inequality may also occur between the weight of different votes because of disparities in the size of constituencies and possible anomalies produced by a first-past-the-post electoral system (Graham 1986:55). Proportional representation again may result in instability and the absence of strong, effective government (Graham 1986:56). Furthermore, proportional representation values equality more than other factors or values, like freedom and stability, that are important to a democratic order (Rees 1971:41). Political equality may then conflict

with other values. Proportional representation may also defeat its purpose of correcting the weak influence of a minority party in proportion to other parties. If such a “minority party holds the balance between two closely matched major parties and is in a position to dictate terms to them, then the influence of the minority may become disproportionately strong rather than disproportionately weak”, then “that provision which is intended in general to ensure equality of influence may in particular circumstances result in a state of affairs inimical to equality itself” (Graham 1986:56).

It appears that applying strict equality to voting procedures may not protect minority interests, for instance, the system of proportional representation in the United States. It is also the case that minority parties may be under-represented, for example, the first-past-the-post electoral system in Great Britain.

Rees (1971:59) identifies further legal, financial and social impediments to political equality (adult suffrage). The absence of a legal restraint, for instance, where a minority or even a majority are not prohibited by law to express opinions, does not guarantee access to those who want to publish or articulate their political views. They may not have the means to do so or have the resources to enable them to organise for political action. Insufficient finance is also an obstacle to adequate publicity. Without financial resources the difficulties are formidable and perhaps decisive for long term political action. Social obstacles again include the economic system determining the quality of intellectual, social and political life; the discriminatory nature of given values and beliefs in a society, which exist regardless of whether the society is organised in an egalitarian or hierarchic way; racial and religious prejudice, and opposition towards certain political trends, like racism.

Lastly, providing equal access to the media to everyone and equal opportunity to political parties and organisations to present their views is clearly impossible in practice due to logistical and time constraints, and the number of persons, political parties and organisations involved (see Rees 1971:52-57). With reference to the above difficulties and impediments, Lively (1975:28) concludes:

Political equality will therefore necessarily vary with the achievement of equality of resources or similarity of experience in other fields. Clearly too, if the possession of wealth or control over mass media can give direct influence over decision-makers, inequalities in these possessions can result in political inequalities.

Although democracy demands equal suffrage, the emphasis may not be on equality because equality may be obtained “by granting nobody the franchise or else only one of limited political importance in relation to an autocratic monarchy” (Ross 1952:133).

#### **4.5.1.3 The connection between political equality (the majority rule) and democracy**

The distinction between the majority rule as a procedure or decisionmaking method, and rule by a majority of the people is often obscured in the literature (see Holden 1988:40). (The majority rule and its attendant difficulties were discussed in Chapter 2, section 2.3.3.)

Historically the majority rule or principle is not unique to democracy. It has its roots in the ancient Greek democracies. The majority rule was followed but decisions were “made by a comparatively large sample of the citizens directly” (Mayo 1960:166), and not by elected representatives as in liberal and social democracies.

Historically it seems that no particular characteristic, for example, majority rule, condition or set of institutions is particular to democracy; axiomatically it requires political participation in decisionmaking to qualify as a democracy. The requirements of popular participation (which applies to direct and indirect or representative (liberal) democracies), are the following:

1. The extent to which people participate in decisionmaking, or conversely the extent to which some are excluded from decisionmaking;
2. The extent to which political decisions are subject to popular control;
3. The extent of citizens’ involvement in public administration, that is, “the experience of ruling and being ruled” (Lively 1975:51).

It may be argued that the extent to which a political system may be labelled as democratic is the extent of the existence of political equality as determined by the majority principle, namely, “that political decisions are determined by the will of the majority as expressed through the vote” (Ross 1952:84).

A close connection is postulated between liberal democracy and political equality in the sense of people having an “equal share” in the decisionmaking process relating to any proposed action by the government. (Such action need not be broad in scope; it could be limited.) (Holden 1988:38; see Harrison 1993:183). For Harrison (1993:187) an even closer connection exists between democracy and the majority rule. The procedure of majority voting is “intrinsicly connected” with democracy, and hence, inevitable. The consequences follow necessarily from the application of the majority rule, that is, the essential outcome is majority power, or the will of the majority and its domination (Harrison 1993:188). The procedure of majority decisionmaking is necessarily connected to democracy, as is the specific outcome.

Lively (1975:28) regards the majority decisionmaking rule as a necessary, but not a sufficient condition of liberal democracy. The majority rule, as a constitutional rule, by itself does not guarantee political equality. Constitutions by themselves do not guarantee liberal democracy. In fact the American constitution has been adopted by South American dictatorships. It is also the case that the constitution of the former USSR was an “instrument of totalitarian autocracy” (Kuehnelt-Leddihn 1952:104-105). Political equality cannot be established only by constitutional rules, but it cannot be established without it. Citizens need a constitutional framework to influence political policies and political leaders.

The absence of legal restrictions on political participation also does not mean that political equality (or other kinds of equality) has been achieved. Political participation “varies with the attitudes held and the resources commanded by an individual” (Lively 1975:28). For example, “a sense of political efficacy”, notions of the extent to which political decisions can be changed, access to information and the ability to assess information, and the willingness and the ability to “pay the costs in

time and the money of participation”, and experience in social organisation (Lively 1975:28). The political regime itself may affect these attitudes. Thus, political equality “depends on all sorts of social arrangements affecting the distribution of influence on government” (Lively 1975:27). Furthermore, the achievement of political equality depends upon the wish and the ability of the people to vote, and on the extent to which other resources can be used to affect decisions (Lively 1975:27-28).

Majority rule in the sense of rule by the people, in modern times is limited by social and economic inequalities, and inequality of political influence. The complexity of government produces unequal allocation of functions, specialisation of functions, some centralisation of control and bureaucratic structures which tend to further a hierarchy and limit rule by the people (Lively 1975:29). Irrespective of the size of a community, a necessity arises for some (political) division of labour to delegate some function of decisionmaking to save time and money. The resulting inequality might be mitigated by increased participation in important decisionmaking by subjecting rulers to popular control or by restricting actions of rulers legally as decided by the citizenry. Such steps would not, however, do away with inequality (Lively 1975:50).

Majority rule clearly emphasises quantity and not quality. Democracy and knowledge tend to be antagonistic. The danger of “mass rule, based on quantity and majority” results in a great “horizontal pressure” (Kuehnelt-Leddihn 1952:39) which ushers in majority tyranny in the political and social spheres (see Chapter 5, section 5.3.1). Majority tyranny is unlikely to further the common good. If it does so, it is merely accidental. Minorities are also likely to be oppressed, particularly dissenting ones. Majority rule tends to be oppressive:

It should be self-evident that the principle of majority rule is a decisive step in the direction of totalitarianism. By the sheer weight of numbers and by its *ubiquity* the rule of 99 per cent is more ‘hermetic’ and more oppressive than the rule of 1 per cent (Kuehnelt-Leddihn 1952:88).

Paradoxically, fifty one per cent of the electorate can establish totalitarian and dictatorial regimes, suppress minorities, and yet remain ‘democratic’ (see Kuehnelt-Leddihn 1952:10;88; Wolff 2006:64).



Marxists favour majority rule, but without the civil and political freedoms associated with liberal democracy. The absence of these freedoms means that a government cannot be ousted at the next election. Such a situation is conducive to tyranny.

It is also argued that the majority rule follows logically from equality of voting: “If every person is to count equally, it follows that a numerical majority should count more: to follow the minority would be to flout equality” (Mayo 1960:178). It seems that a person who votes with a minority and against a prevailing decision does not have an equal say (see Holden 1988:16). In reality though, the majority rule leads to inequality. Although each vote counts equally, the outcome is unequal: “The will expressed in some votes gets put into effect; the will expressed in other votes does not” (Harrison 1993:196). Counting each vote equally, however, is absurd because some persons feel more strongly about policies or issues than others. The intensity of a vote cannot be calculated. Say if 51 per cent vote for a policy, a strong opposition of 49 per cent hardly counts (Kuehnelt-Leddihn 1952:108). This issue involves the possibility of a permanent or alienated minority. Furthermore, majority decisions have effective power, whereas the minority does not. They are not treated equally; the minority loses out (see Harrison 1993:178). The unequal outcome is “the inevitable consequence of a system which has equality enshrined” in its democratic procedure (Harrison 1993:196).

Although voting and majority decisionmaking emphasise equality in allowing equal participation to all, majority voting has inegalitarian consequences or implications. Voting results in some opposing their will on others. The outcome is unequal. Even rights do not resolve the issue because rights end at the point where the minority is exploited by the majority. These rights, however, impact on “democratic power by constraining majority decisionmaking” (Harrison 1993:179). Unless rights have a democratic basis, they will fall beyond the scope of democracy, “limiting it in the name of equality” (Harrison 1993:179).

A decisionmaking procedure, like the majority rule, does not ensure that people will always determine decisions. If disagreement exists about a particular decision,

equality in determining that decision is impossible. As Lively (1975:50) puts it: “The most that can be asked of the procedures is that they should ensure that everyone’s chances of determining decisions are as high as possible whilst no one person’s or group’s chances are persistently less than those of the rest”. The satisfaction of these requirements is contingent upon the existence or non-existence of a permanent minority.

A less egalitarian procedure might produce a more egalitarian result. For instance, an oligarchy or a benevolent dictator might enforce an equal distribution of property. Although the people would not have participated equally in the decision, the outcome produces equality (Harrison 1993:183). However, equality would not last long and it would have to be re-imposed again and again. Equality of (economic) outcome, as stated previously, does not support liberal democracy.

Political power is always distributed unevenly or unequally, and equal influence and equal participation in whatever process of government is an ideal (see elite theories). As Rees (1971:81) points out:

The existence of government [whether democratic or not] implies inequality because government consists of a set of arrangements whereby some individuals are authorized and have the power to control the actions of others.

#### **4.5.1.4 The connection between political equality and nonliberal democracies**

The models of Continental democratic theory (which may be regarded as nonliberal), like the models of Anglo American democratic theory, support political equality. Models like people’s democracy, one party democracy and participatory democracy, and their variants, have their own conceptions of popular rule (rule by the people) and grounds for justifying democratic rule.

These models are generally animated, whether wittingly or unwittingly, by some conception of a Rousseauian general will, the notion of unanimity, and the view of the people as a single entity. People are politically equal, but political participation in voting and decisionmaking processes vary in scope, extent and limits imposed.

A *people's democracy* (in the Marxist Leninist tradition) furthers social equality through economic equality (common ownership of property and wealth), which requires complete control of the economy, and rule by the vanguard party or the dictatorship of the proletariat. Rule by such a party is arguably democratic since it claims to articulate the interests of the proletariat (Heywood 1997:74). The proletariat constitutes the majority. For Marx rule by the people meant majority rule, rule by the whole proletariat (Holden 1988:85).

Marx appeared to equate democracy with a (futuristic) classless communist society, whereas Lenin associated democracy with the coming into power of the dictatorship of the proletariat after the overthrow of capitalism and its power structure. In Leninist theory the proletariat were not necessarily the majority. The proletariat was the vanguard of the rest of the people (for example, the peasantry), or the proletariat jointly constituted the people (Holden 1988:84,85).

It may be argued that the dictatorship of the proletariat is necessarily rule by the people (majority rule), or that the dictatorship of the proletariat is necessarily the means of bringing about a communist society in which the people will rule themselves. (The dictatorship of the proletariat assumes the form of a people's democracy.) However, this argument only establishes that "vanguard rule is a necessary condition for establishment of, not that it actually *is*, rule by the people" (Holden 1988:86). (Whether the dictatorship of the proletariat constitutes rule by the people or for the people is debatable. See, for instance Macpherson [1969:20].)

The democratic nature of people's democracies is questionable. On the one hand, proponents of people's democracies argue that Western democracies, despite the acceptance of (formal) political equality (universal suffrage), exhibit inequality because the real locus of power, the ownership of the means of production, is in the hands of a few. On the other hand, the claim is made that such economic inequality does not exist in people's democracies. The state serves the interest of the whole of the population. True democracy has been established in people's democracies. The claim, however, does not follow. As Lively (1975:29) explains, "[i]t is one thing to

admit that within a formally democratic system political equality may be greater as other equalities are achieved, quite another to say that if those other equalities are present then political equality is necessarily established”.

A *participatory democracy*, reminiscent of the direct democracies of ancient Greece, is based on the direct, continuous and unmediated participation of all adult citizens in political decisionmaking (see Femia 1993:72,73). Participatory democracy, however, could differ from direct democracy “in that all citizens will not take part in the final decisionmaking although they will be allowed to submit their views directly or by correspondence to the final decision-makers who could be elected representatives” (Cloete 1993:7). To further democracy there are two connected and overlapping views:

1. The restructuring of political practices and political ideas; and
2. The comprehensive restructuring of political, social and economic structures of society.

The first view is favoured by theorists of participatory democracy, and the second by various forms of Marxist theory (Holden 1988:116). (Both amount to criticism of the liberal democratic model, see Chapter 5, section 5.2.2.)

To enable people to make basic political decisions, the liberal democratic model of Anglo American democratic theory usually accepts universal (adult) suffrage and voting in free and regular elections as sufficient. In contrast, the participatory model of democracy, which is compatible with Continental democratic theory, necessarily requires the active and positive role of people in initiating policy decisions and involvement in policy formulation (Holden 1988:120). Such direct political participation, as also found in direct democracies, “obliterates the distinction between government and the governed and between the state and civil society; it is a system of popular self-government” (Heywood 1997:68; see Cloete 1993:7). Participation is not limited to the political sphere, but includes all areas of human life in order to achieve self-development. This goal requires the decentralisation of political and social institutions (Heywood 1997:73).

The participatory model, which has several variants, attempts to combine communalist (social or collectivist) elements with individualistic elements (see Holden 1988:121). It stresses “the value of community” and “the extent to which individuals and their activities are social products” (Holden 1988:122). According to this model (formal) rights are insufficient to achieve freedom and equality because of the substantive inequalities existing in (liberal) democratic societies. It is necessary to democratise the state through participatory processes and structures (Holden 1988:123). Democratisation involves economic democracy in the sense of workers participating in business and industry, overcoming the artificial division between the social and political spheres, or the private and the public, which may have undemocratic consequences. According to the participatory model, however, voting and actively participating in political decisionmaking is the best means of protecting people’s interests. Rule by the people then can be achieved only in a participatory democracy (Holden 1988:124,125).

Another interpretation of participatory democracy regards participation, not as a means to an end, but valuable in itself because of individual self-development and autonomy.

The notion of an unrestrained popular will, which is an element of Continental democratic theory, is also applicable to a participatory democracy. There are no limits to the power and scope of action of rule by the people. If the majority claim to express the general will and to know what the interests of the people are, its rule may be oppressive. If a minority articulates the general will and its power is unrestrained, say because of a lack of interest in political participation by a sector of the population, a participatory democracy can collapse into totalitarian rule, or a one party democracy where minority rule expresses and implements the general will. Similarly, mass participation as envisaged by a participatory democracy in order to ensure rule by the people, whose will is unrestrained and expresses the general will, can turn into a tyranny or totalitarianism. The above points are cogently summarised by Hallowell (1954:120):

If the principle of majority rule means that the will of the majority must be conceived as unlimited and absolute, then it is ... indistinguishable from tyranny. For the essence of tyranny is unrestrained will – whether it be the will of one man, of several, or of many. And the tyranny of a majority is no less cruel or unjust – indeed, may be more so – than the tyranny of a single individual.

Majority rule is based on the assumption that the judgment of the many is likely to be superior to that of a few, but this is not necessarily the case. Hallowell (1954:122) stresses that: “It is the reasoned judgment of the majority that obliges our compliance with its decision, not the will of the majority as such”. To the extent that majority rule becomes an expression of the will and not reasoned judgment, to that extent it becomes less democratic and more tyrannical. Majority rule runs the danger of becoming an end in itself, whereas it is a means of achieving a common end or good. Agreement should exist about the common good, as expressed in certain principles. In practice, though, deliberation “will never be completely rational” (Hallowell 1954:123) and private interests always intrude.

The political equality envisaged as necessary to participatory democracy, collapses in practice for numerous reasons. The size and complexity of modern societies make participatory democracy unfeasible. Although modern technology could further direct political participation by harmonising the will of the majority with political issues, practices and policies, it would work only if people *inter alia* thought rationally, were knowledgeable, informed and interested in political matters (Kuehnelt-Leddihn 1952:95). Furthermore, studies of voting behaviour as highlighted by Holden (1988:128-133) indicate the following:

1. Most people do not have the inclination, interest and capacity to engage in political activity. In the case of participatory democracy it seems that people would either have to be forced to participate, or that participation would be left to those who are interested, but not necessarily knowledgeable. This raises the danger of elite or some form of minority rule.
2. Participation by large numbers of people in decisionmaking slows down the process and is generally inefficient.

3. Participation by large numbers of people can lead to a breakdown because of system overload and instability. This holds the danger of a collapse into totalitarianism. (Mass participation, for example, in the Weimar Republic led to its collapse into fascism.)
4. The possibility exists that masses or a majority may have authoritarian or nondemocratic attitudes.

#### **4.5.2 The achievement of political equality (as an ideal)**

Although political equality is deemed necessary to the democratic models discussed above, its realisation is imperfect and limited. Political equality in a democratic context remains a valued ideal. Its achievement is further hampered by the following findings of studies of voting behaviour in the twentieth century (Holden 1988:93-96):

Elites play a dominant role in political systems, including liberal democracies, due to the complexity and organisational needs of industrialised societies. (Also see elite theories of Pareto [1848-1923], Mosca [1858-1941] and Michels [1876-1936].) Furthermore, in big and complex industrialised societies people have little influence on their governments, resulting in disillusionment and apathy. Political power is also unequally distributed and subject to considerable influence by industrial organisation and economic structures (Holden 1988:116,117).

The importance of pressure groups, which have often been overlooked, have increased with the complexity of the economy and government involvement in the economy. Pressure groups, in promoting the particular interests of their members instead of the general interest, frustrate the articulation and the implementation of the will of the people. To the extent that studies show the key role of pressure groups in the political process, rule by the people does not exist.

Furthermore, the mass of the electorate are largely ignorant of and uninterested in politics and policy issues, and participate little in politics. Voting behaviour is a reaction to social and demographic factors, rather than a response to policy issues.

Voting is not a product of political interest and knowledge, but is determined *inter alia* by social class, ethnic group and religion. In addition, people are politically apathetic, tend to be irrational and cannot hold positive political power (which lends credence to the notion of elite rule). Complete political equality in a (formal) legal or in an actual (substantive) sense does not exist. Although political power through elections are derived from the people, they do not exercise power. A small group of elected leaders exercise power. The elites are elected by the people and the people control them (Ross 1952:132; see Dye 2000; Sartori 1962; 1987).

#### **4.6 CONCLUSION**

This chapter analysed the meaning and kinds of equality and their relation to democratic models of Anglo American and Continental democratic theory. Equality is the main value of (modern) liberal and social democratic models of Anglo American democratic theory, and the social democratic variant and participatory and people's democracies of Continental democratic theory. The social democratic model of Anglo American democratic theory is an inheritance of twentieth century liberalism. This model may arguably still be seen as liberal democratic because it supports limited welfare provision and economic intervention. The social democratic model of Continental democratic theory tends towards socialism and stands for the expansion of governmental power and varying degrees of economic control. There are, however, many variations of social democracy, including those that support economic equality. Economic equality, though, does not follow from liberal democratic ideas.

The very concept of equality was found to be complex, vague and ambiguous. To make sense of this fuzzy and troubled concept, one must ask in what respect or according to what standard or criterion can human beings be said to be equal. The kinds of equality also have a variety of, and even conflicting meanings.

Equality is foremost a mathematical concept. Despite the tradition of democratic theory, the use of equality in the human context, for instance, natural and moral equality, is inappropriate and the practice lends itself to conceptual confusion.



Assumptions of human nature, that is, the natural equality of human beings, are generally regarded as empirical. Imputing substance to a dubious assumption, risks the possible obfuscation of the distinction between different levels of discourse. Equality is a formal and not an empirical notion.

It appears that equality before the law cannot be inferred from some conception of natural or moral equality. Equality before the law, furthermore, does not imply or entail any other kind of purported substantive equality, whether equality of opportunity, social equality, political equality or economic equality. It is nondiscriminatory and requires consistency in application. It may, however, lead to unequal treatment. Natural and moral equality are correctly regarded as fallacies. Nevertheless, these equalities underpin contemporary political and moral theory. It appears to be the case that any theory that does not acknowledge either of these equalities is not given serious consideration. Although natural and moral equality are tenets of liberal democratic thought, they dissolve in practice when empirical considerations are applied. These equalities are extremely difficult to define precisely and they seem to be used in the literature to smuggle in some substantive social goal or ideas which have very little to do with said equalities.

Equality of opportunity as equal access is negative and nonegalitarian. In modern times a radical notion of equality of opportunity interpreted as providing equal initial starting points as a matter of social justice is espoused by liberals and socialists. Unlike equal access, starting points require direct governmental intervention which may lead to discrimination and reverse discrimination to compensate groups or sectors of the population for some perceived disadvantage or injustice. This entails unequal treatment. Because of natural human inequality, equality of opportunity in both its meanings further unequal outcomes.

Equality of outcome and economic equality require radical intervention. Equality of outcome concerns results and rewards. Equality of outcome and social equality (which is also supported by liberals) are goals favoured by Continental democratic theory and are particularly supported by Marxists and socialists. Economic equality and equality of outcome would have to be re-imposed repeatedly because of human diversity in ability, talent, skill, needs, preference and goals.

Political equality, as equal voting and as a decisionmaking procedure, tends to produce unequal outcomes in practice. In addition, the division of societies into rulers and ruled tends towards a hierarchical structure. The rulers possess coercive power and authority, and issue commands which the citizenry have to obey. This makes political equality in an absolute or complete sense impossible. Unequal outcomes face all kinds of equality. In this instance, there seems to be an unbridgeable gap between the abstract and the concrete. Some scholars prefer to regard kinds of equality as ideals to be realised albeit imperfectly. It may be argued that proponents of equality in modern times, whether liberal, social or socialist, in pursuing equality seek to extend governmental power, rather than to further humanitarian aims.

Political equality (formal and substantive) was identified as the most important and fundamental equality of democracy in general. Two main arguments postulate that political equality is necessary to the liberal democratic model of Anglo American democratic theory. The first argument pertains to people having equal power in participating in decisionmaking on matters of public policy. If democracy as a procedure gives everyone equal power, then equality follows from the meaning of democracy. This implies a necessary connection between democracy and political equality, namely, that there will be equality in a democracy. Another argument holds that democracy is necessarily a society in which equality exists. Here democracy means a society where there is equality. Equality encompasses the political, social and economic spheres. Defining democracy in terms of political equality is confusing and inaccurate. Political equality rather should be seen as a desirable ideal, or perhaps a distinguishing characteristic of democracy. Political equality may also be regarded as a necessary condition, but it is not a sufficient condition for a political order to qualify as a democracy. Both arguments appear to require empirical considerations, as do those which posit a necessary connection between universal suffrage and liberal democracy, and between the majority rule and liberal democracy.

Although a close connection exists between universal suffrage and democracy, and the majority rule and democracy, it is not a necessary relation in the strict sense of

(causal) necessity. As pointed out, the result of the franchise and the majority rule tends to be unequal. Furthermore, universal suffrage even if it is accepted as a necessary condition, requires other substantive conditions like freedom of speech, association and assembly, regular elections and so forth. But these opportunities, for various reasons, are not equally available to all participants. The majority rule, as noted, is not particular to democracy although it is regarded by many scholars as a characteristic of democracy. It is also regarded as a necessary condition, but it is clearly not a sufficient condition. Other conditions are required for a democracy to exist. If a set of conditions occur, then democracy would be the outcome. If, however, these conditions were not present, democracy could not exist. Identifying a set of sufficient conditions for a democratic order is complicated and involves a different issue. It does seem the case, however, that the notion of majority power follows from the procedure of majority voting. In this case as well power is distributed unequally and it is not clear in what sense people can be said to rule.

For Marxists and socialists universal suffrage is insufficient to produce political equality. Social and economic equality are seen as necessary conditions for the existence of a 'true' democracy. Ownership, say, of the means of production by the people provides them with the opportunity to make inputs. Furthermore, the people are viewed as equal and they rule, but their will is articulated by the vanguard party or the dictatorship of the proletariat. The vanguard party or the dictatorship of the proletariat again is a necessary condition for a people's democracy and a participatory democracy. Such a party may be necessary but it is also not a sufficient condition, as other social, economic and political considerations apply. As in the above arguments, the relation between democracy and political equality is a contingent.

## **CHAPTER 5**

# **THE TENSION BETWEEN FREEDOM AND EQUALITY, AND EQUALITY AND FREEDOM**

### **5.1 INTRODUCTION**

The previous two chapters explored the meanings and kinds of freedom and equality, and their relations to democratic variants of Anglo American democratic theory and Continental democratic theory. A main finding was that although certain kinds of (civil) freedoms (like assembly, speech, association, formation of political parties and political participation) are logically necessary conditions for democracy, they are not sufficient conditions. Moreover, a necessary connection does not exist between negative and positive freedom, and democracy. Furthermore, certain kinds of equality (legal equality, political equality such as voting, participating, decisionmaking, and majority rule) are logically necessary for democracy, but are not sufficient conditions. Equality as well cannot be a necessary condition for freedom as it would destroy freedom. Furthermore, the relation between freedom, equality and democracy is contingent, but freedom and equality are nevertheless both connected to democracy indirectly and directly by means of definition as both are regarded as fundamental to 'modern' liberal democracy.

This chapter proposes to examine the issue of whether kinds of freedom endanger kinds of equality, and conversely whether kinds of equality endanger kinds of freedom within the context of democratic variants of Anglo American democratic theory and Continental democratic theory. In this instance, the relation between freedom and equality, and vice versa, is characterised by tension. This also raises the matter of whether or not, or to what extent freedom and equality can be reconciled or balanced within a democratic context. The social democratic model of Continental democratic theory, for instance, purports to reconcile freedom and equality.

(The issue of whether kinds of freedom promote kinds of equality, or whether kinds of equality promote kinds of freedom within democratic contexts is the subject of Chapter 6, which examines the affinity between freedom and equality, and equality and freedom.)

To return to the contents of this chapter, the notion that freedom hampers or endangers equality in democratic literature is expressed in two main arguments. The first argument holds that the limited powers of government of the liberal democratic variant of Anglo American democratic theory promote freedom and thereby decrease equality, particularly social and economic equality. According to the second argument, economic and social equality are diminished by linking democracy to freedom. This entails the non-Marxist and Marxist critiques of liberal democracy.

The idea that equality endangers or hampers freedom concerns the following arguments: the tyranny of the majority (in the legislature); the tyranny of the many over the individual rather than over some minority; the tyranny of public opinion; the power of popular government (Holden 1988:24-25); and the problem of ungovernability. Some of these arguments overlap and their abstract nature does not take adequate cognisance of the facts or reality. Socialists and particularly Marxists, furthermore, tend to use the concept of equality in a prescriptive and not a descriptive or substantive sense which tends to be common practice in democratic literature.

A concerted effort will be made to distinguish between kinds of freedom and equality and their ideal theoretical democratic contexts where relevant to avoid conceptual confusion, ambiguity and vagueness. Although this strategy has heuristic value, the diverse meanings attributed to the concepts of 'freedom', 'equality' and 'democracy', and their relations, carry the risk of simplification and overgeneralization. Furthermore, a logical gap exists between the real and the ideal, but concepts nevertheless, as pointed out previously, have a way of impacting on reality (see Holden 1988:36).

## **5.2 FREEDOM ENDANGERS EQUALITY**

As pointed out above, two arguments which attest to the conceptual tension between freedom and equality are adduced to the effect that freedom endangers equality. The first one concerns the notion that the limited powers of government of the liberal democratic model of Anglo American democratic theory promote freedom and decrease equality, particularly economic equality. The second argument pertains to the non-Marxist and Marxist critiques of liberal democracy, which purportedly diminishes social and economic equality by conceptually linking democracy to freedom. These arguments will now be dealt with below.

### **5.2.1 The limited powers of government**

To recapitulate, when considering the liberal democratic variant of Anglo American democratic theory, a distinction must be made between the classical and the modern liberal democratic models. The classical liberal democratic model stood for a government with functions limited to national and international defence, the limited provision of essential services, the enforcement of contracts, the protection of civil freedoms, a free market and the relative absence of governmental intervention in economic activities. Social and economic inequality was the outcome of the exercise of human talent, ability and capacity. The exercise of freedom and lack of governmental intervention result in social and economic inequalities due mainly to the natural differences and genetic endowment of human beings. The historical record shows that less intervention, rather than more, encourages economic growth.

The liberal democratic model of Anglo American democratic theory, furthermore, assumes that a democratic regime limits the powers of government and then necessarily maintains limited government. This is a matter of definition, and not practice. It is questionable whether the people (however defined) will support a limited government. This argument further assumes that a liberal democratic regime is simultaneously a threat to freedom and must also protect freedom, which is both logically and practically impossible. There is nothing in the theory and practice of democratic regimes that mitigates or removes threats to freedom.

The modern liberal democratic model tends to be social welfarist in nature, and extends governmental intervention to the social and economic spheres of human life to provide welfare and security (see Burnham 1965:91-92; Robertson 1972:318). While individuals might support a lack of governmental intervention in some areas, they might favour interference in other areas, like the reduction of unemployment and the provision of social security. These wants, however, are incompatible (see Holden 1988:22-23).

Both the classical and the modern liberal democratic variants uphold the rule of law, the separation of powers, various constitutional checks and balances, and a conception of human rights to regulate the relation between the people and the government, and thus to act as a brake on the powers of government. The modern liberal democratic model, however, favours the value of equality more than the value of positive freedom, whereas the classical liberal democratic variant valued negative freedom more than equality.

Critics and opponents of liberal democracy argue that freedom, and the lack of governmental control and regulation of the economy produces or maintains an unacceptable degree of economic inequality, which endangers equality. Individuals are free to accumulate wealth at the expense of, and through the exploitation of others. This argument assumes that freedom constitutes power or control over areas of human life, including the economic sphere. In the absence of governmental intervention freedom is merely 'formal'. 'Real' or 'true' freedom can only be realised through intervention (Holden 1988:29,44 endnote 18) to ensure the equal distribution of material sources to attain 'true' freedom. (See section 5.2.2.)

Economic inequality is deemed to be undesirable and it is also undemocratic for some to have great economic power (material resources) over those who have the least economic power (or material resources). It is further argued that economic and political power go together. The existence of economic inequality then means that economic and political power are undemocratically vested in the hands of a few or an elite. Furthermore, the structure of society should be changed by government to

prevent some individuals from enjoying great advantages in the pursuit of their economic interests at the expense of others. Freedom only promotes great inequalities in the distribution of material goods (Holden 1988:29).

The above argument and its ramifications implicitly link capitalism with democracy. Although this link is historical, it is not logically necessary since the one can exist without the other, as has happened in the past (see Berger 1986; Bealy 1993:203; Bramsted & Melhuish 1978). Couched in Marxist terms, liberal democracy is a sham or an illusion. It promotes the interests of the dominant capitalist class, which acquires its wealth through exploitation and at the expense of others. Bourgeois freedom constitutes the economic and political control of society. The freedom (to act) threatens or endangers economic equality.

The argument is further problematic on various grounds. Historical data, at least in the West, does not support the notion that liberal democracy is a sham, or an illusion, or that it always operates in the interests of the capitalists (see section 5.2.2). Modern liberal democratic societies have also been and are supportive of interventionist measures (Berger 1986:78). Furthermore, the sense in which those who have resources (the rich) wield power over those who do not have (the poor) is by no means clear (Flew 1989:52). On an economic interpretation, does 'power', which here seems to imply ability or capacity, involve coercion and manipulation, which is usually associated with political power? Having resources is one matter and coercion is another issue. Political power and economic power cannot be equated. They refer to different things; political power entails coercion and economic power pertains to voluntary action (Rand 1967:46-47). Furthermore, if A has more resources than B, who has none, A's ownership of resources (provided it was acquired lawfully, honestly, and voluntarily without coercion, and with due regard to contractual stipulations and obligations), increases A's economic independence, range of choices, actions and responsibilities, but leaves B no worse off than before. The fact of A's possession of resources does not imply that B was exploited thereby and left economically more unequal than before. In addition, B is not less free in a negative sense, but only has far fewer choices (Gray 1995:64).



It is also not clear what riches or resources are to be gained from those who have little or none and what interests or whose interests it would serve. It seems that the rich have nothing to gain, but that the poor stand to gain through exploiting the rich, even more so if they appeal to some sense of guilt to which modern liberals seem prone (see Burnham 1965).

Moreover, why should it be assumed that riches and poverty are evil, and that they are connected in such a way that abolishing either one automatically involves abolishing the other one (Flew 1989:198). This implies that those who are richer are causing the poorer to be worse off than before, and that human relations are (always) characterised by exploitation. There is no historical evidence that human ideas, activity, relations and economic productivity are governed by causal laws. It is further simply untrue that a necessary causal connection exists between wealth and poverty. The argument for exploitation is also based on “the false assumption that all wealth of every kind – not only material goods but also insubstantial services – is produced, and would continue to be produced, regardless of expectations about who is going to enjoy those goods and services” (Flew 1989:52; see 199).

‘Poverty’, moreover, has several interpretations. It seems firstly to refer to a lack of all or many of the basic necessities of life, and secondly to not having the goods which everyone else seems to have. The second meaning pertains to inequality and not poverty. The lack of a distinction between the two meanings only causes confusion; they also have different implications and consequences in practice (Flew 1989:185, 186). It is also incorrect to associate inequality factually with poverty. Inequality and poverty cannot be equated as they refer to different things; they are not the same thing (Dixon 1986:44).

It is a misuse and abuse of concepts to interpret ‘freedom’ variously as the possession of resources, power whether economic power or political power, or both, the absence of want or necessity, and poverty (see Chapter 3, section 3.3.7). The onus is on Marxist and socialist scholars to provide evidence for their abstract and prescriptive argument which amounts to mere belief. They must demonstrate that liberal democracy is a chimera; ‘freedom’ is power to control all aspects of life;

exploitation is a characteristic of capitalism, and of all history; and a change of social structure would change human nature and reverse the deterministic and necessary economic course of history as well as eradicate social and economic inequalities.

A reading of the history of the development of capitalism, and an empirical comparison of Western liberal democracies and their power limiting mechanisms with, say Cuba and the former countries of the Soviet block with their communist variants, and a comparison of West and East Berlin before the fall of the wall, would go some way to support the hypothesis that the less the political control and intervention, the greater the productiveness, competition and the freer the economy (see Berger 1986; Rand 1967). Furthermore, political freedom, the negative freedom from coercion, and positive freedom in a weak sense of self-determination, (which is something very different from a strong sense of others providing the less better off with material resources to further their freedom), are conducive to and cannot exist without economic freedom (see Hayek in Bramsted & Melhuish 1978:690; Rand 1961), and as long as human beings are naturally unequal in talent, ability, capacity, creativity and productivity, economic inequalities will exist to a greater or lesser extent.

This argument is virtually a mirror image of the one discussed above. It is empirically highly probable, namely that the more limited the powers of government, the greater the economic freedom. It appeals more to common sense than the opposing argument, namely that the freedom and lack of governmental intervention threatens economic equality and produces unacceptable degree of inequality. This argument is devoid of factual referents and refers to some future state of affairs. Economic equality as yet is non-existent and impossible to attain given natural human inequality. The argument is logically and empirically questionable.

### **5.2.2 The Marxist and non-Marxist critiques of liberal democracy**

The non-Marxist and Marxist critiques assert that equality (social and economic) is endangered because democracy is conceptually associated with freedom. Both critiques are not against freedom and democracy as such, but question whether

freedom and democracy are attainable within the framework of liberal democratic theory and practice. Theories of participatory democracy (non-Marxist) focus on certain changes in political ideas and practice, whereas various types of Marxist critiques concern fundamental changes to political, economic and social structures of society, a notion which was briefly touched on in the argument discussed in section 5.2.1. These two critiques are not completely separate; there is some connection and overlap between them, as well as differences. The similarities, however, are important in this context (Holden 1988:116). For instance, both claim that minorities, including ethnic minorities, do not have the same access to the democratic process that privileged groups enjoy. Furthermore, power is unequally distributed in liberal democracies. The political arena is particularly influenced by the factor of economics. Economic inequalities are perceived to undermine democracy (Holden 1988:117).

#### **5.2.2.1 The participatory critique of liberal democracy**

Participatory theory, which has several complex variations and is associated with Continental democratic theory, is perhaps reminiscent of the direct democracies of ancient Greece. The issue here is popular participation. Voting is regarded as insufficient as people are not sufficiently drawn into the political process to enable them to take informed decisions to participate fully in political decisionmaking processes (and perhaps in other areas concerning their lives). Voting fails to convey information about what people think in sufficient measure and often enough. Furthermore, the act of voting does not permit people independently to decide what views to transmit and how. In liberal democracies voting is merely a fact that people have to accept. There must be more participation in political decisionmaking and policy formulation. In a participatory democracy basic decisions are made by the people who participate actively in politics. Freedom (self-determination) and democracy then are achieved in a participatory democracy and not in a liberal one (Holden 1988:118-120).

The participatory critique raises practical and theoretical issues. The widespread and active political participation envisaged by the participatory democratic model presuppose a public sufficiently informed on political issues and policies to enable them to make rational decisions and evaluations. It should be kept in mind that individuals are naturally unequal and this produces inequalities in knowledge, information, ambition, interest, leadership abilities and organisational skills. These inequalities in Dye and Zeigler's (2000:450) view are sufficient to give rise to oligarchy or some form of elite or minority rule.

Political issues and processes are complex matters and studies on voting behaviour (see Chapter 4, section 4.5.1) indicate that voters tend to be ignorant, uninformed, uninterested and apathetic concerning politics in varying degrees. Inequality applies here as well. Furthermore, people on the whole are adverse to spend time on decisionmaking processes, acquiring information, attending meetings and debating. This applies to modern liberal democracies as much as to the decentralised decisionmaking processes of a New England town (Dye & Zeigler 2000:450).

Schrems (1986:22-25) refers to Almond's analysis of the reasons for people's ignorance within a liberal democratic order. People are ignorant and uninformed mainly for three reasons: (1) the difficulty of identifying the various parties involved in any particular policy to assess responsibility, particularly when things go wrong, because it is impossible to establish cause and effect relations with certainty; (2) the technical complexity of many important political issues, for example, foreign policy, economic and fiscal policies, social welfare, health care and energy policies; (3) the remoteness of members of the public from many political issues that do not affect them directly. Under these circumstances the exercise of popular control over political leaders and officials, which is an important tenet of democracy, is seriously undermined. Furthermore, if people are politically uninformed they are also unable to accurately assess political matters. The situation is exacerbated by the fact that political officials can and do tell lies, refuse to take responsibility for wrong actions and poor performance, deliberately keep the public uninformed on sensitive policy matters, and withhold or limit the availability of information for various reasons including corruption, fraud, embarrassment, sensitivity and security (Schrems

1986:23,24). In the light of the forgoing, it is difficult to see that the political behaviour of people would change as anticipated by theorists of participatory democracy.

Regardless of the level of knowledge and the availability of information, universal adult suffrage or voting requires neither effort nor achievement and hence does not encourage responsibility:

Because voting rights are free and universal, there is little incentive to develop expertise, to specialize, and to economize in their exercise. Voters can rationally remain ignorant (Mitchell in Arthur 1992:75).

Opponents and critics of participatory democracy argue that participatory rule is inefficient (see Holden 1988:132) and impossible to realise in large, complex, highly industrialised societies (Wollheim in Stewart 1996:384; see Dye & Zeigler 2000). In general democratic decisionmaking is difficult enough and comes with costs attached. The allocation, production and distribution of resources in large economies are inefficient and time consuming because voters have to identify and discuss issues to arrive at a decision. Time costs are problematic in forms of majority rule and where the unanimity rule applies (also see Chapter 2, section 2.3.3). Then there are also information costs of the democratic procedure, as the information required for an informed or rational decision may not be available or expensive to obtain, or may be so complex that it will be difficult to integrate and apply it (Buchanan in Paul & Miller 1986:136-137).

In a large society, moreover, the ability of a single voter to influence decisions even if political equality is assumed is so small as to make participation fruitless. As society increases in size the influence, freedom and capacity for influencing decisions diminish (Dye & Zeigler 2000:449).

Participatory democracy in modern societies characterised by large numbers of individuals and their diversity is simply not possible. Numbers cannot merely be reduced or made relatively homogeneous or uniform. Furthermore, the people as a whole cannot rule in the direct sense of participating in decisionmaking processes pertaining to initiating legislation, but only in an indirect sense of “choosing and

controlling” legislation, which does not require direct participation (Wollheim in Stewart 1996:384).

Now if people are not interested and do not wish to participate more fully in political processes, then the possibility exists that they may be forced or coerced to do so. In Rousseauian terms they will be ‘forced to be free’ so as not to endanger political equality. Alternatively, political participation would be limited to those who do wish to participate. If so, the danger of minority or elite rule exists, which would hardly be considered to be democratic. Such minority rule would be unrestrained. An unrestrained popular will is a tenet of Continental democratic theory. An unrestrained general will also applies to the Marxist-Leninist conception of a vanguard party, a minority, which expresses and implements the general will in one party democracies. Totalitarian rule would then be the logical and likely outcome (Holden 1988:131; see Dye & Zeigler 2000:450).

Despite the aim of participatory theory to remedy the ills of modern liberal democracy through inter alia broadening direct participation and having smaller political units to enhance participation, the possibility exists that the realisation of participatory democracy may lead to outcomes “that are neither democratic nor liberal” (Holden 1988:133; see Dye & Zeigler 2000:450-451). Put differently, mass political participation, leaving aside difficulties like reaching consensus, inefficiency, and time consumption, could lead to an overload in the political decisionmaking system, an inability to cope, instability and ultimately breakdown, which would pave the way for a totalitarian, minority takeover, with dire consequences for the negative and positive freedom of individuals.

### **5.2.2.2 The Marxist critique of liberal democracy**

This critique also shares some common ground with the one briefly discussed in section 5.2.1 above. The Marxist critique of liberal democracy, which Marx referred to as ‘bourgeois’ democracy, consists of the theory and practice of liberal democracy and does not criticise democracy as such but its perceived nonrealisation (Holden 1988:134,135,147).

One of the arguments concerning practice associates liberal or bourgeois democracy with capitalism, which makes the existence of liberal democracy impossible and relegates it to an illusion or a sham. The inhuman nature of capitalism in this democracy renders people unfree. The Marxist notion of freedom is not the liberal negative freedom from intervention and coercion, or positive self-realisation, but freedom of “collective self-government through rational planning of economic and social life. Marxian freedom is the other face of the idea of alienation as the loss of self in domination by impersonal social laws and forces” (Gray in Paul & Miller 1986:185). Unfreedom also means that people do not rule or exercise control; there is no political equality. Hence, neither freedom nor democracy exists in a liberal or bourgeois democracy. ‘Real’ freedom is absent; freedom is only formal due to the social and economic inequalities which are typical of a capitalist society. As workers lack freedom, they have no alternative but to sell their labour to their exploiters, the capitalist class (Holden 1988:135; see Gordon in Paul & Miller 1986:156).

Marx and Marxists accept as an axiom of faith that class relations in a capitalist society is necessarily exploitative and that the bourgeoisie always gains at the expense of the workers. The rationale, in Femia’s (1993:61) words, is that “if capitalism can indeed satisfy the material interests of the whole community, then communism is a Utopian dream rather than an objective historical necessity”.

Another argument has a slightly different focus. Here too democracy does not exist because the people do not exercise control. The lack of freedom in a capitalist liberal or bourgeois democracy, to which both capitalists and proletarians are subject, is ascribed to domination by the economic structure or system. Capitalism then makes all unfree (Holden 1988:135-136). The economic structure or the mode of production determines all ideas; social and political institutions and practices (see Loewenstein 1980:64). Capitalists and proletarians are alienated as well because their lives are dominated by autonomous social forces, resulting in the loss of creativity of both classes. People become human commodities and they are dehumanised under capitalist production (Gray in Paul & Miller 1986:171; 172; 173; see 161).

This argument can be interpreted in a number of ways and has various ramifications. If class analysis is brought into the argument, then the bourgeoisie or capitalists, as

the dominant class, is the ruling class. They own and control the means of production and exercise political power over society. The extent to which they are able to dominate and use the machinery of state to further their own ends, and the role of the state, which is but a reflection of the economic system, are subject to differing interpretations. This is even more so in view of Marx's notion of historical materialism, which restricts purposeful action and control (see Holden 1988:136).

The critique of the practice of liberal democracy shares the same Marxist tenets and assumptions with the critique of the theory of liberal democracy, for instance, the capitalists as the dominant class which rules in its own interests, exploitative class relationships and the causal role attributed to economic structures, that is, capitalism which renders workers and even capitalists themselves unfree.

Liberal democratic theory has been criticised for failing to apprehend societal structures and the importance and influence of the economic structure in society. This is partially due to the distinction made by liberal democratic theory between the public and private spheres of society, which enables the state to act as an impartial arbiter to regulate social affairs. The distinction between the public and private spheres, moreover, limits popular control to the public sphere. The Marxist contention is that the state is not an impartial arbiter, it already intervenes by furthering the interests of the dominant bourgeois (capitalist) class to the detriment of the proletariat (Holden 1988:140-141).

This simplistic critique, by collapsing the distinction between the public and the private domains of human life, dispenses with human rights, negative freedom, and social institutions like families, clubs, churches, trade unions, professional and business associations, and interest and pressure groups. Political and civil society simply merge into a whole. The individual is subsumed to the collective, and the distinction between particular and general interests are obliterated (Femia 1993:64-65). The complexity of human nature and the diversity of human life are ignored.

The Marxist critique, furthermore, assumes that a capitalist system is not in people's interest as it functions in the interests of capitalists. This, however, does not imply



that capitalism functions against the interests of the people. Even if the system functions in the interests of capitalists, this does not demonstrate that the capitalist system is necessarily undemocratic (Holden 1988:149-150). It is also not obvious that the bourgeoisie, or the capitalists always operate to the detriment of the working class. Marxists erroneously regard “capitalism as a zero-sum game where the capitalists cannot be winners unless the workers are losers” (Femia 1993:66). Even if workers are opposed to capitalism, it does not mean that they favour, say socialism. Furthermore, if it is argued that workers oppose capitalism because it does not further their interests, it still has to be shown that some other system, for example, socialism, is in their interests (Gordon in Paul & Miller 1986:157).

Another critique involves the liberal democratic notion that society is composed of individuals who determine the nature of society. For Marxism, the converse applies. The character and behaviour of individuals are shaped by, or are the products of their class structures and environment (Holden 1988:143; see Kreeft 2003:65). Put slightly differently, the mode of production conditions people’s intellectual, social and political life: “It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness” (Loewenstein 1980:64 citing the preface of Marx’s *Critique of political economy*, no date, p 425).

In a similar vein Marx viewed liberal democracy in an economically reductionist way: He “reduced complex realities to a single organizing principle: the causal primacy of economics” (Femia 1993:66; see 50). Now if human beings are determined by their economic system, if mind is the product of matter, then all thought, ideas and activities are merely effects or byproducts of economics. Marx’s economic reductionism is problematic for various reasons.

Paradoxically and ironically it would mean that Marx’s ideas were determined by bourgeois capitalist economic and class structures. Now if all ideas are determined by some economic structure or social environment, then how can the truth of statements be established? If no statement can be true, then the statement “that *all* statements are untrue” must itself be untrue (Holden 1988:159). The notion that all statements are untrue does away with the conception that all ideas are determined in

some way (Holden 1988:159). It is clear from Marx's work that his ideas were in no way determined by structures of whatever kind. The incoherence of economic reductionism and determinism is aptly described by Lunn (1950:186):

Now if philosophy be the by-product of economics, it is clear that *no* philosophy can give us a true picture of objective reality. Marxism, which was a by-product of the industrial revolution, has therefore no more claim to permanent validity than the *Summa Theologica* which the Marxist no doubt regards as a product of mediaeval economics. If, then, the Marxist is correct no philosophy can be true. If Marx was right, Marx must be wrong.

Economic reductionism, moreover, is used to explain contrary evidence by referring to notions of real interests, false consciousness and hidden conspiracies. These explanations are then validated by theory and not by facts (Femia 1993:50,51).

The Marxist critique of the theory and practice of liberal democracy is self-defeating and undermines itself. If human ideas are determined by some structure, it means that people do not make choices or decisions. They are also not moral agents or causal agents in the sense of voluntarily acting upon their own decisions to make things happen. If this is so, then democracy cannot exist and there is no "will" of the people. If people cannot express their own ideas, the notion of the will of the people is unimportant and can be ignored. The rulers can do what they wish and act in ways which is destructive of positive and negative freedom. Enter the tyrant (Holden 1988:158).

Human beings, in contradistinction with the Marxist conception, are moral and causal agents, and have the capacity of rational thought, voluntary choice and action. They are not determined in the way envisaged by Marx. Marx's argument draws a particular statement from a generalisation: "There is, in fact, very often an invalid move from the proposition that individuals are socially constituted to the conclusion that they are fully constituted by the *particular* social environment that they inhabit" (Holden 1988:157).

Marxists who ascribe causality to the economic structure of capitalism, as the determining element of all societal relations, moreover, are committing the fallacy of "*pars pro toto*" which means "taking a part for the whole". Processes in society

might be the result of modernising factors (regardless of whether a society is capitalist or socialist), for instance, urbanisation, and accelerated population growth, breakdown of traditional structures and beliefs, and political instability (Berger 1986:30).

In Femia's (1993:50) opinion, the classical Marxist view of liberal democracy is not based on facts. Instead Marxist theory is based on "a *prior* theory, historical materialism according to which the basic purpose of the political/ideological superstructure is to preserve ... the existing set of economic relations". The Marxist position reveals a prior theoretical commitment with scant regard for historical evidence. Deductions about social conditions are made from abstractions (Femia 1993:51).

The corpus of Marx's political thought is based on untestable, nonfalsifiable a priori assumptions which determine the approach and outcome of whatever investigation into historical social and economic structures. Berger (1986:5) calls this strategy "a very useful methodology for prophets".

Due to the lack of "clarity or consistency" in Marx's thought, and despite the resulting differences in interpretation (Femia 1993:6), the "causal force" attributed to the economic system of capitalism constitutes a primary common thread in the numerous interpretations (Berger 1986:30), it is difficult to envisage how the liberal interpretation of freedom could endanger the idealistic Marxist conception of equality.

### **5.3 EQUALITY ENDANGERS FREEDOM**

As mentioned in the introduction, arguments to the effect that equality endangers freedom, which also attest to the tension between equality and freedom, and closely associates equality with democracy as a primary value, include the following: the tyranny of the majority; the tyranny of the many over the individual rather than over some minority group; the tyranny of public opinion; the power of popular

government (Holden 1988:24-25); and the problem of ungovernability. As several of these arguments overlap, some repetition is unavoidable but it will be kept to the minimum.

### **5.3.1 The tyranny of the majority**

The notion of the tyranny of the majority has several related arguments, namely the tyranny of the majority in the legislature; the tyranny of the many over the individual; and the tyranny of public opinion. The first two are closely related and will be discussed together as the criticisms of the two arguments are similar, whereas the last one has several angles which make it preferable to discuss the argument separately.

According to this argument, rule by the majority threatens the positive freedom or self-determination of minorities. It should be noted in passing that both Anglo American and Continental democratic theory provides for weaker or stronger notions of self-determination, that is, from the positive idea that individuals are able to take reasoned decisions and act upon them to notion of those constituting the government representing or articulating the general will. The main issue of the argument of majority rule threatening the freedom of minorities concerns the will of the people becoming the will of the majority, in the absence of unanimity. (The problems of majority decisionmaking were discussed in the chapters on democracy and equality.) The will of the majority then constitutes the actual or the potential tyranny of the majority. Scholars like Madison, Tocqueville, JS Mill and Hayek were interested in this danger (Holden 1988:24).

As mentioned above, a related argument also found in Anglo American democratic theory, focuses on the actual or potential tyranny of the many over the individual, rather than tyranny over groups of individuals or some minorities. Another related but nonindividualistic notion, particular to Continental rather than Anglo American democratic theory, regards the individual, who cannot be said to govern himself or herself, as subject to the community or society. In this instance, any or all individuals are subject to the people, the community or society, rather than a few individuals

being subject to many individuals. The issue is that the pressure on the individual is exerted by the people as well as by mechanisms of government. More particularly, social convention, public opinion, the laws and actions of government can restrict individual freedom. Tocqueville and JS Mill were also concerned with this issue (Holden 1988:24 – 25).

The crux of these arguments pertain to the perceived conflict between the individual, or minorities made up of individuals, and the many or the people. The notion of the tyranny of the majority in the legislature briefly alluded to above will now be considered in some detail.

### **5.3.1.1 The tyranny of the majority in the legislature**

Tocqueville (1966) in his sociological study of democracy in America, thought that power in a democratic regime is more extensive and centralised than in any other regime. In essence, "[t]he very constitution and needs of democratic nations make it inevitable that their sovereign power should be more uniform, centralized, extensive, and efficient than those of any other people" (Tocqueville 1966:670). Power is vested in a numerical majority which tends to further its own interests thereby largely disregarding those of individuals and minorities. The expansion of power, moreover, leads to greater intervention and regulation of the social and economic domains. The concentration of power in the hands of a numerical majority raises the specter of the tyranny of the majority in government which could seriously threaten the (positive) freedom (of self-determination), negative freedom, and rights of individuals and minorities (see Welch in Boucher & Kelly 2003:294).

The majority rule as a decisionmaking tool, although not confined to democratic regimes, is egalitarian as it is based on the law of numbers – the numerical majority, thereby subordinating the individual to the numerical majority (see Bobbio 1990:53). Put differently, political equality in the sense of equal votes and participation in decisionmaking processes in accordance with the majority rule endangers the freedom or self-determination of individuals and minorities.

As noted above the crux of the issue is whether and to what extent minorities and individuals can be seen to determine themselves (which is the democratic notion of freedom) in the absence of unanimity in the decisionmaking process. When unanimity does not exist, the will of the majority, (which is [erroneously] equated with the will of the people), then constitutes the actual or potential tyranny of the majority despotically ruling the minority (Holden 1988:24).

In practice unanimity is seldom, if ever, achievable because people are not homogeneous; they do not agree on all issues; they have different interests, preferences, values, life plans and goals; and short term and long term interests. They are, moreover, affected differently by policies and issues, and react differently to them (Wolff 2006:64; Holden 1988:39).

Granted the overwhelming likelihood of competing interests and preferences, how majority decisions are made is indeterminate. In the event of more than two options or alternatives, and given the mathematical and logical difficulties of aggregating preferences, there is no guarantee that the option favoured by the majority will be the outcome (Holden 1988:41). The problem is exacerbated when “*orders of preferences*” are considered. Say a person prefers option or policy A to option B, but might still prefer option B to option C. Consequently no single policy enjoys majority support (Holden 1988:41), and the majority principle ceases to apply (Barry in Arthur 1992:63; see Chapter 2, section 2.3.3; Chapter 4, section 4.5.1).

Furthermore, the problem of cyclical majorities and the voter’s paradox arises when voters are faced with two options, say A and B, which are mutually exclusive. A person prefers A, but believes that the “democratic choice” B should be chosen. But if the person votes for B rather than A, that person holds inconsistent and contradictory views (Graham 1986:76; see Barry in Arthur 1992:63; Holden 1988:41).

Even if one option among several is preferred by the majority, it is not clear why that option should be accepted as it might oppress or be unfair to a minority (Wolff 2006:72). A minority and its interests, moreover, are affected much more than those

who voted with the majority. Although individual votes were counted equally, the same cannot be said of interests and preferences (Miller 2003:50).

A majority vote in any event does not guarantee knowledge of people's interests and preferences, and might not reveal the voters' actual interests or preferences, and provides no certainty that the chosen option is in their interests or for the public good. People vote for different reasons including moral ones, and have different motivations (Wolff 2006:72-74). Furthermore, because people have different interests and preferences, a majority may very well enact legislation that oppress a minority. Whether this is democratic or not depends on whether a democratic regime is perceived to protect minorities and individuals, or whether democracy is reduced to majority rule (Wolff 2006:64), the numerical majority, or the law of numbers. If "the law of numbers, which is a means, is taken for an end, then it destroys capable leadership and government becomes anonymous, irresponsible, and amateurish – a situation which is with reason to be feared" (Sartori 1962:105). Further consequences include the instability of the legislature, the arbitrary exercise of power by officials, conformity of belief, and a lack of officials worthy of respect (Bobbio 1990:53; see Bowie & Simon 1977:25).

Minorities then can be oppressed by the numerical majority in various ways which affect their self-determination. A minority, moreover, can be subject to the "tyranny of the 51 per cent" thereby suppressing individual freedom and minority rights, "in the name of the people" (Heywood 2000:127). Yet the repression of 1 per cent by 99 per cent, or of 49 per cent by 51 per cent is regrettable, but it is not regarded as "undemocratic" (Kuehnelt-Leddihn 1974:30). A lack of self-determination, however, also applies to members of the numerical majority who are outvoted on a particular issue or option.

A class or race based minority, whether represented or not, can also be oppressed by the majority. A represented minority can be outvoted. A group which is constantly a minority when voting ensues lose out where their interests are concerned, and consequently are treated unequally. Their interests can also be ignored (see Miller 2003:50 on the problem of "the *intense* minority" and "the *persistent* minority").

Important interests of a minority can be seriously harmed by majority decisionmaking if “the citizens’ top-priority policies are incompatible with each other, i.e. if there is no basic (positive or negative) prior consensus” (Berg 1965:158).

Just as it is empirically obvious that a majority might oppress a minority, say by depriving the minority of its political rights, a “powerful minority” might do the same to the majority (Dahl 1985:27). There seems to be no reason to believe that a majority is less likely to tyrannise than a minority, or that tyranny is more characteristic of a minority than a majority. Political tyranny is not determined by numbers, and constitutional mechanisms are necessary to restrain the exercise of power, irrespective of the rule of one, a few or a majority. Hallowell (1954:21) cautions that “[t]he *unbridled* rule of the majority, as John Adams and many of his contemporaries realized, leads straight toward mass tyranny. If democracy means nothing more than giving the majority of the people what they want, then it is practically indistinguishable from fascism”.

Majority rule, to recapitulate, in the absence of unanimity, functions unequally. In decisionmaking initially each vote counts equally, but the outcome is unequal, and minorities usually lose out and their self-determination is undermined. Self-determination or self-government seems an illusion, unless unanimity exists. Self-government implies that people rule themselves, and consequently are free. In fact, in a liberal democracy, people are ruled by a mere majority of the people who are represented.

Tyranny of the majority may not be inevitable, but many scholars take it seriously enough to prescribe various safeguards to prevent the abuse of power. These include the majority rule itself, constitutions and constitutional mechanisms, checks and balances, the separation of powers, the rule of law, judicial review, representative institutions, bills of human rights, universal education, political and civil freedoms, decentralised government, popular control and regular elections are deemed to protect individuals and minorities from oppression and tyranny by making governing more difficult, and acting as restraints on power (Lively 1975:126-127; Miller 2003:50).



Does the majority rule provide a safeguard against majority tyranny and the erosion of freedom? According to Berg (1965:27) Hans Kelsen argued that the majority rule logically excludes tyranny of the majority since “the existence of a majority implies the existence of a minority”. A majority correctly implies a minority, but it surely does not follow that tyranny is thereby excluded. The majority rule logically implies rule by the numerical majority. It can be argued that majority decisions are right (might is right), and the options of the outvoted minority are wrong (Berg 1965:27,158). However, if this were the case “[t]he use of the majority principle is ... compatible with a majority dictatorship in which the minority’s formal right of opposition is only of temporary duration” (Berg 1965:27-28). The contention that whatever the majority decides is right and good then endangers both negative freedom and positive freedom of self-determination, and leads to the degeneration of democracy. The majority rule assumes that the majority is wiser and more enlightened than the individual or a minority (Bobbio 1990:53). But is a majority more likely to be right rather than a minority or an individual based merely on numerical superiority? Right and good are not a matter of numbers or majority consensus. For Hayek (1976:110) there is no reason to suppose that the majority possess a “superior wisdom” and will make wise decisions. Majority decisions rather tend to be inferior and represent an uneasy compromise. Furthermore, people are unequal in knowledge and wisdom. The majority rule rather enhances rule by the ignorant and uninformed majority (Heywood 2000:127).

According to another argument, if people rule in their own interests’ oppression is unlikely to arise. JS Mill believed that such an assumption was fallacious, because as noted previously, the people are not a “homogeneous mass” with a single interest and affected in the same way by issues or policies (Wolff 2006:64).

It appears that it is more than likely that the majority rule by itself offers no safeguard against majority tyranny, and can potentially be detrimental to the self-determination of individuals, groups and their interests.

Constitutions and laws again are in practice notoriously open to differing interpretations, subject to amendment, repeal, or regarded as irrelevant and consequently ignored. As Arnheim (1982:149) aptly remarks: “The corridors of power in many disparate lands have long been littered with the débris of discarded or ignored laws, constitutions and other legal ‘guarantees’”. Even making constitutions more difficult to change, say, by entrenched clauses, provides little protection in the face of political will and power (see Arnheim 1982:152). According to Mayo (1960:201) “[t]here are no legal or constitutional barriers capable of standing in the way of a determined and persistent majority if they wish to breach them”.

Arnheim (1982:148) contends that it is fallacious to believe in the efficacy of laws, constitutional edicts and other formal measures to solve political problems. Constitutional solutions for political problems have a poor historical record, yet they continue to enjoy support (Arnheim 1982:154).

In liberal democratic regimes safeguards against the arbitrary exercise and abuse of power are also theoretically presumed to limit the functions of government by subjecting it to popular control. Limited government, as noted previously, is associated with the liberal democratic model. Furthermore, it is assumed that regardless of the range of regulation, the actions of a responsible and accountable government will be less arbitrary than other forms of regime (Lively 1975:127).

Historically though, the rise of democracy in America and Europe was accompanied by an increase in regulation and intervention. As noted earlier on individuals have different interests and priorities. The poorer sector of a population is more likely to be interested in social and political equality or more social welfare measures, while others might favour economic stability or steady economic growth. Individual interests are neither static nor uniform, and there is no sound reason to think that positive and negative freedom will not be sacrificed for some other value or goal. It appears that democracy need not protect freedom by limiting the powers of government, but rather erode it by expanding the scope of its powers (Lively 1975:127-128; see Heywood 2000:127). If a majority prefers interventionist measures, a democratic regime will most likely increase intervention. The extent of

intervention also depends on economic development as the need for regulation is likely to increase in highly developed economies (Lively 1975:129; see Tocqueville 1966:670; Holden 1988:22-23).

Tocqueville and JS Mill both favoured education as a safeguard against majority tyranny, as “ignorance as much as equality will increase the concentration of power and the subjection of the individual” (Tocqueville 1966:652). In theory liberal democracy requires a literate, educated, rational and well informed electorate who understand electoral and governmental processes, their rights and duties as citizens, and who have the ability to articulate and make their interests and preferences known (see Cloete 1993:18). Apart from the fact that these requirements are seldom met, literacy and education have positive and negative consequences, as minds are opened to the truth, propaganda and indoctrination alike. Universal education, however, is more likely to nurture indoctrination and propaganda than truth on political and social issues. Furthermore, historically some highly educated political leaders have been responsible (directly or indirectly) for some of the worst crimes, including genocide. Similarly, educated nations have had some of the worst regimes (Burnham 1965:138,139).

Scepticism exists among scholars about the efficacy of education as a deterrent for tyranny. Universal education it seems “has *not* removed ignorance, especially about political, social and economic matters; and to whatever extent it may have done so in some countries, the removal of ignorance has *not* brought any notable advance toward the good society” (Burnham 1965:138). In practice, democratic regimes have a tendency to increase education quantitatively (by means of compulsory education), but to make it available to all, the standards are constantly reduced (Kuehnelt-Leddihn 1952:129). Lower standards of education and compulsory education furthers the advent of a totalitarian regime: “[t]he evolution from democracy to tyranny can hardly be prevented by more and better education, nor can democracy be made more workable by the plan of making everybody into a philosopher-king” (Kuehnelt-Leddihn 1952:128).

A little education, furthermore, is more likely to be more dangerous than no education. Despite the negativity expressed about education, particularly universal education which is generally accepted as a human right, common sense seems to indicate that education is a privilege rather than a right, and as such rule by educated and skilled persons is preferable and more likely to benefit society as a whole than rule by the little educated and relatively unskilled. Quality should not be sacrificed to quantity. Intelligence, knowledge, honesty, integrity and skills are deemed necessary for effective rule.

Granted that people comprising the general electorate have different levels of education, different intellectual capacities, interests, preferences, desires and goals, would they elect leaders with superior qualities, and would elections and representatives provide a safeguard against majority tyranny?

Scepticism also exists about the ability of the people at large to choose superior leaders. For Kuehnelt-Leddihn (1952:64) people in general are not capable of much – they lack virtue and comprehension of values; their understanding of and tendency to resort to force makes it difficult to see that they would elect leaders with superior qualities. According to Ross (1952:60) the “[t]he mediocrities that dominate the masses are not capable of electing leaders of higher caliber because they are involuntarily attracted by those people who reflect their own pettiness”.

As mentioned previously, representative institutions and popular elections are also believed to protect individuals from tyranny as these measures make governing more difficult, and provisions of a constitution act as a restraint (Lively 1975:126-127). Historically, however, mechanisms and measures like representative institutions, the rule of law, and bills of human rights have a poor record in preventing arbitrary actions and abuse of power. They are not regarded as a “sufficient constraint” in large, complex, democratic societies (Lively 1975:128-129). A bill of rights, moreover, is “just so much scrap paper when it comes into conflict with power” (Arnheim 1982:155).

In accordance with the majority principle or the democratic rules of the game (as opposed to majority rule in the legislature), a voter's vote might win in the election by electing that voter's favoured candidate, but a voter's vote might lose the second time around if the representative is not elected to the legislature (see Sartori 1962:99). Put slightly differently, the votes of a minority were lost because their candidate lost, and the minority must submit to the will of the majority. Thus, a voter never knows what effect a vote will have, or whether that voter is a winner or a loser. Furthermore, in the event that none of the parties has an absolute majority and a government will be formed only after lengthy negotiations over which a voter has no influence. The voter is subject to a pre-existing situation. The voter has to choose between candidates that the voter rarely helped to select and usually chooses "the least objectionable among undesirables" (Kuehnelt-Leddihn 1974:31,30). Under these circumstances individuals and minorities may also be oppressed and freedom as self-determination hardly makes sense.

The disfranchisement of minorities who yield to the majority is a consequence of egalitarian voting procedures in a representative liberal democracy where the whole people are ruled by a mere majority of the people who are represented. In JS Mill's view "Democracy ... does not even obtain its ostensible object, that of giving the powers of government in all cases to the numerical majority. It does something very different: it gives them to a majority of the majority; who may be, and often are, but a minority of the whole" (Mill in Arthur 1992:34). If a small majority wins an election, they represent only a small majority of the people. The majority lose out as there is no guarantee that their interests will be furthered. There is also no reason, either in theory or in practice that the majority party will always act in the interests of the majority of the voters. Furthermore, there is "no guarantee that elected representatives will on every issue vote in such a way that the outcome preferred by a majority of citizens will be the one chosen" (Barry in Arthur 1992:61).

Elected representatives, moreover, are often more interested in their re-election than in the interests or well being of their constituents. The voters themselves, many of whom are ignorant, shortsighted, and the promoters of special interests, are so numerous that they usually outvote the foresighted and intelligent, who have a better

idea of the long term consequences of the measures favoured by the majority (Hospers 1990:391-392).

The majority vote itself, as pointed out previously, presents democratic variants with a dilemma: “If 51 percent, or, better still, two-thirds of a people vote one or several antidemocratic parties into power, the end of democracy is at hand. In other words, *democracy can commit suicide democratically*” (Kuehnelt-Leddihn 1974:191).

In theory and practice, it seems that there are no constitutional measures, mechanisms and processes capable of any guarantee or safeguard against oppression and tyranny. This, however, applies to democratic as well as to other forms of regime. Granted that there are no guarantees for any human endeavour, the efficacy of whatever constitutional devices adopted to protect minorities seems to depend on various factors including the majority’s respect for the constitution, the political will to adhere and to implement its provisions, to accept the democratic rules of the game, tolerance and to consider the interests of minorities when making decisions or adopting policies. Although these elements are necessary, they are not sufficient. A democratic order must be valued and deemed desirable. There must be support for its shared culture, attitudes, values and beliefs (Dahl 1985:30,49). Furthermore, if common agreement on fundamentals do not exist, there can be no fruitful discussion, compromise, no assurance that human rights will be respected, there is nothing to prevent tyranny (Hallowell 1954:21)

Yet, the people (as distinct from the masses) and popular control via democratic processes are regarded as “possibly one of the securest safeguards” against the worst abuse of power (Lively 1975:131). Similarly, Spitz (1965:284) vests the only safeguard against tyranny in the people: “the right and the power of appeal to a greater authority, the people”.

The effectiveness of popular control, which was implicit in much of the forgoing, according to Mayo (1960:60-67) ideally requires the following:

Popular control of policymakers by means of regular elections, which must be an institutional practice. Voters choose representatives but do not decide policies. They should exert popular influence on policies on a permanent basis. A further requirement is political equality. Every adult citizen should be enfranchised, every person has one vote and each vote counts equally. There should also be at least two candidates for each position, but preferably several official candidates should be fielded for each post. Furthermore, the number of representatives elected shall be directly proportional to the number of votes casted for them. Voting, however, by itself is not sufficient to ensure popular control. Voting is not effective without free choice, and without coercion or intimidation. Popular control, moreover, cannot be effective without certain political freedoms, namely, freedom of speech, association, assembly, organisation and running for office. These freedoms imply the existence of political parties, and they are also manifested in the existence of political opposition. Equality of voting within the context of political freedoms is a necessary but not sufficient condition of a democratic order. It is essential that policy decisions are made by elected representatives, as only these are subject to popular control. Lastly, as the majority of representatives have been elected by the majority of the voters, majority rule in the legislature is as legitimate as if it has been taken by the majority of the voters.

A full circle has now been reached, and the difficulties discussed above also apply to the requirement of popular control. Optimism and faith in the majority, the people, and even those who claim superior knowledge of people's interests, seems unwarranted in the light human nature and the historical record. The people, moreover, are unlikely to be tolerant, knowledgeable, and to value freedom. Tocqueville (1966) was also concerned with the development of mass society and feared its dangers. Democracy with its emphasis on the law of numbers and regulated by that law without appeal to experience, reason, morality, intellectual ability and practical capacity tends to turn from its initially individualistic and liberal influences into a social, tyrannical mass democracy (see Kuehnelt-Leddihn 1952). It might be appropriate to reflect on Kipling's well known quotation from *The two jungle books* (1910: page unknown), which stresses the danger of mass tyranny:

Once there was the People – Terror gave it birth!  
 Once there was the People and it made a Hell of Earth!  
 Once there was the People – Listen, o ye slain –  
 Once there was the People: it shall never be again!

### 5.3.1.2 The tyranny of public opinion

The term ‘public’ can refer to the whole of the people or to a section/s of it. It is often said that there are as many publics as there are opinions or views on issues, or shifting publics depending on the circumstances and issues. Public opinion, however, exists if it is seen as a pattern of attitudes and basic demands which have acquired stability and consistency (see Sartori 1962:76-77).

Both Tocqueville and JS Mill were concerned with social tyranny and the tyranny of public opinion. The issue of the tyranny of public opinion pertains to conformity and has to do with the relation between society and the individual. Tocqueville believed that individual freedom was irreconcilable with social and political equality in a democratic society consisting of members whose needs, tastes, aspirations and social conditions are very similar. Under such circumstances freedom is unlikely to survive (Bobbio 1990:54). Although freedom is valued by democratic peoples “their passion for equality is ardent, insatiable, eternal and invincible” (Tocqueville 1966:476).

The existence of some measure of social equality tends to threaten individual freedom. This issue, in Holden’s (1988:29) view has two aspects. On the one hand, governmental action in democracies to enhance social equality threatens individual freedom:

Having thus taken each citizen in turn in its powerful grasp and shaped him to its will, government then extends its embrace to include the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd (Tocqueville 1966:667).

On the other hand, social equality undermines various social structures which create inequalities and act as a check on governmental power (Holden 1988:29). Social



uniformity, moreover, generates “... men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures ... Each one of them, withdrawn into himself, is almost unaware of the fate of the rest” (Tocqueville 1966:666). Social uniformity then produces the “atomisation” of society: “society is reduced to a mass of uniform individuals” (Holden 1988:29). Individuals are not only deprived of the various relations produced by social structures, but are also vulnerable to government power and the pressures of “mass opinion” (Holden 1988:29). The pressure of public opinion constitutes the rule of the majority which aims at uniformity (Bramsted & Melhuish 1978:580). Under these conditions individuals are unable to preserve their freedom [of thought and action] and tyranny is likely to “increase with equality” (Tocqueville 1966:485).

As mentioned in section 5.3.1, the notion that the self-determination of the individual or all individuals is threatened by the action or potential tyranny of the many, the community or society, over the individual is non-individualistic and more characteristic of Continental rather than Anglo American democratic theory. The individual is subject to pressure exerted directly by the people, as well as by the government. The issue is that social convention, public opinion, governmental laws and action can restrict freedom (Holden 1988:25).

The possibility exists of the majority developing a form of tyranny which prevents the development of individualistic interests and behaviour. This tyranny operates in two ways, through pressure on the government (or originating in the government) to adopt laws against dissenting or nonconformist individuals, (who may be harmless), and through the pressure of public opinion (Popkin & Stroll et al 1979:75).

Social tyranny is more pervasive than majority tyranny in the political sphere because it affects virtually all spheres of life. As Mill (quoted in Popkin & Stroll et al 1979:75) explains:

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.

Laws may be passed to suppress or punish dissenters, nonconformists and those who hold unpopular views. Democratic regimes have the means of coercion, the information and resources to threaten the positive and negative freedom of individuals. They can manipulate, manufacture and restrict information, exert control over the media and restrict freedom of speech.

Individuals, regardless of whether they are members of a majority or a minority, who criticise, question or oppose a majority opinion, or who are politically incorrect may be suspended or fired from their places of work, lose their positions in society or be ostracized from society (see Bramsted & Melhuish 1978:625-626). People, however, tend to submit to majority opinion for various reasons including habit, fear, lack of courage to oppose, belief that majority opinion is right (whereas majority opinion is just as likely to err as that of an individual), expediency, prudence, avoidance of independent thought, willingness to conform, lack of intellectual capacity and intellectual laziness.

The social equality and uniformity encouraged by democratic regimes tend to undermine belief in any particular person or class. People are more inclined to trust the masses and public opinion. The pressure of public opinion is much greater in democratic regimes than in any other (Tocqueville 1966:399-400). The majority in whom sovereignty is legally vested augments the power of public opinion. The majority provides the individual with ready made opinions and this relieves the individual of forming an own opinion. In an egalitarian society, like America, the people have great confidence in public judgment because the dissemination of knowledge is available to all, and it is thus not unreasonable to suppose that the majority will possess the truth (Tocqueville 1966:399- 401). However, as alluded to previously, there is little evidence to support the contention that majorities are more likely to be right or possess the truth than minorities or individuals. Right and truth are not a matter of numbers, pragmatism or consensus.

Safeguards (like education and limited government) against tyranny, whether in the political or social sphere, at best offer only limited protection against oppression and

the erosion of positive and negative freedom. Furthermore, the pursuit of social and political equality serves to engender inequality, as inequality is the basis of social life and the exercise of freedom tends to result in further inequality. Tocqueville (1966) furthermore, perhaps needlessly feared that social and political equality, apart from being detrimental to individual freedom, would further some form of tyranny. Such an event is empirically possible, of course, but there is nothing inevitable about it (Dahl 1985:44-45).

### **5.3.2 The power of popular government**

The power exercised by popular government is perceived to threaten the positive and negative freedom of individuals. A government which implements the will of the people, as in a people's democracy of Continental democratic theory, can be potentially and actually very powerful. This argument elaborates on the one which sees democracy threatening the freedom of individuals by exacerbating the threat posed by the government. The issue is that a democratic regime is more threatening as it is more powerful than an autocratic regime. An autocratic regime does not possess the power of the whole people, and its functions are limited (Holden 1988:25). Increasing the power of government requires an expansion of functions in various areas. A bloated bureaucracy and an increase in the number and powers of civil servants, all of which enhance an increase in taxation, serve to place more restrictions on human action and hence limit the freedom of people (see Lecky in Bramsted & Melhuish 1978:617-620).

Modern liberal democratic regimes exhibit a wide range of rights and civil freedoms which encourage individuals and groups like trade unions, interest and pressure groups, political and other groups to organise, articulate and make public their demands which the regime must satisfy or risk a loss of support. This is in contrast with autocratic regimes which are not faced by such pressure. In autocratic regimes the press is controlled by the government, protest demonstrations are not allowed, trade unions may exist as "appendages of the political establishment" or be disallowed, and the only political parties are those which are either the governing

party or emanate directly from the regime (Bobbio 1990:86). Furthermore, in democratic regimes, the collective decisionmaking procedures for responding to demands from society do not allow quick decisions to be reached, and because of the power of veto may even be indefinitely be deferred. In contrast, in an autocracy power is vested in a single person or a small elite, and decisions may be made quickly because there are no lengthy deliberations, complex structures and procedures to be followed. In addition, democratic regimes are more likely to experience social conflict than autocratic ones, because of the numerous diversity of interests and opposing interests which require satisfaction. Lastly, in democratic regimes, in contrast with autocratic regimes, power is diffused and fragmented. This promotes competition between several levels and/or centres of power which may lead to conflict (Bobbio 1990:87-88).

Another argument concerns those regimes which call themselves democratic, but they may act tyrannically because people are deluded into thinking that their regime is democratic (Holden 1988:25). Because of the popularity of the concept 'democracy' tyrannical regimes tend to promote themselves as people's democracies.

Both these arguments entail the tension between freedom and democratic variants of Anglo American and Continental democratic theory. In the liberal democratic model some traditional limitations should be in place to act as brake on the mechanism of the people's will to modify some of the conflict. Some scholars argue that democracy is necessary for the achievement of liberal ideals and perceive some necessary connection between positive freedom and democracy. In keeping with Continental democratic theory, other theorists again emphasise democratic elements at the expense of traditional (liberal) limitations on government. Democratic variants of Continental democratic theory like noncommunist Continental theory or a theory of people's democracies, which were inspired by Rousseau, may be more subject to illiberal tendencies than a liberal democracy. These theories are illiberal if freedom is understood in a negative sense (Holden 1988:26). However, democracies with an obsession for kinds of equality may demonstrate illiberal tendencies as the outcome of "all leveling tendencies is an antiliberal attitude" (Kuehnelt-Leddihn 1952:20). People's democracies, animated by a powerful general will which brooks no

opposition, do not permit any limitation on the control of individuals and minorities by the government. This democratic variant is commonly regarded as illiberal and totalitarian (Holden 1988:26). Both liberal and totalitarian schools, however, value freedom: “whereas one finds the essence of freedom in spontaneity and the absence of coercion, the other believes it to be realized only in the pursuit and attainment of an absolute collective purpose” (Talmon 1970:2). The latter meaning of freedom in a strong positive sense misconstrues the meaning of freedom and entails the notion of an objective general will, regardless of whether the people will it or not. The people will be forced to will it because the general will is concealed in the people’s will (Talmon 1970:47). Put slightly differently, people will be forced to be free, which is a contradiction in terms (see Chapter 3, section 3.3.4).

Nonliberal regimes are also regarded by some scholars as democratic. Macpherson (1969:3,12) divides nonliberal democracies into the Soviet or communist variant and the underdeveloped variant of Asia and Africa. In these countries the meaning of democracy has changed from the original class rule meaning to rule in the interests of the people, hence transcending class.

Marx and Lenin interpreted democracy as proletarian rule, “rule by or for the proletariat”. Democracy was a class state with the purpose of establishing a classless society (Macpherson 1969:36; see Sartori 1987:472; Mercer in Hunt et al 1980:108). Upon independence, democracy in underdeveloped countries immediately becomes “rule by the general will” as expressed by a single dominant party (Macpherson 1979:36,26). In Soviet countries the vanguard or communist party discerns and implements the real will of the people to realise their interests (see Holden 1988:84,87).

Both variants are one party systems. The general will expresses itself through a single party. As the general will is the real and genuine will of the people there is no need for other parties. The power of the governing party is unlimited and absolute. Talk of a general will, however, hardly makes sense if those who make up the people are unable to choose policies themselves and consequently one cannot know what the general will is, assuming of course that unanimity is possible. In reality no agreement

exists on what is actually in the public interest. Furthermore, in practice those who exercise unlimited power are likely to disregard the general will (Holden 1988:82,90).

Nonetheless both variants share the goal of an equal, nonexploitative society. Their claims to be democratic are based mainly on “the classic notion of democracy as an equal human society” (Macpherson 1969:33). For Marx and Lenin, democracy meant proletarian rule in a class state, which would be transformed to get rid of exploitative relations and classes. A class democracy could then “give way to a fully human society” (Macpherson 1969:36). In contrast the underdeveloped countries are already relatively classless and are ruled by the general will. The general will will restore freedom, namely freedom from ignorance, starvation, early death from disease, and humanity by establishing the goal of an equal society (Macpherson 1969:33). Macpherson (1969:36) rejects the notion that these variants are not democratic and that the label ‘democratic’ was merely appropriated for political purposes.

Sartori (1987:465-466) charges that Marx and Lenin attributed different meanings to ‘democracy’ depending on the context. Hence, in a bourgeois democracy, democracy only exists for the few and not by definition; in the dictatorship of the proletariat more democracy exists than before but ‘real’ democracy has not been realised; in communism democracy should not be realised because it is redundant. So democracy changes in accordance with context and in the final stage there is no use for it (see Mercer in Hunt et al 1980:109). Put differently, the form of democracy changes as one class replaces the other and without class dictatorship there cannot be democracy for that class (see Hindess in Hunt et al 1980:32,34). The misuse and obfuscation of the concept of democracy permits adherents and ideologues the expediency of arguing that their systems are democratic or more democratic than their opponents, and that opponents are undemocratic. Labels and definitions alone do not demonstrate that something called ‘democracy’ exists. Furthermore, in what sense can democracy possibly be said to exist in reality on the basis of some as yet unrealised and futuristic goal of an equal human society, whatever that might mean and entail. Furthermore, freedom will also only exist in the future once the state has ceased to exist. In Sartori’s (1987:474) view this prediction is based on a dubious

premise that if the bourgeois state is not replaced by the dictatorship of the proletariat the state cannot cease to exist.

The logical gap between Marxist theory and practice seems unbridgeable, contrary to the expectations of Marxist theorists who tend to obfuscate the difference between description and prescription, and treat ideals as facts (see Sartori 1987:478). Since no dictatorship of the proletariat has ever existed, it is pointless, for instance, to argue that the dictatorship of the proletariat is more democratic than bourgeois democracy. The proletariat neither ruled nor did they articulate interests and enjoy civil freedoms (Sartori 1987:471,473).

### **5.3.3 The problem of ungovernability**

Modern liberal, social democratic as well as participatory variants and their association with social and political equality, and positive freedom or self-determination are deemed to be inherently ungovernable. They are deficient and lack the ability to control conflict in complex, industrialised societies. Bobbio (1990:85-89) identifies three arguments that purport to show that democratic regimes are inherently ungovernable. (These arguments also contrast democratic and autocratic regimes – see the forgoing argument.) Ungovernability is perceived to lead to authoritarian solutions which threaten the freedom of individuals and groups.

According to the first argument, democratic regimes have difficulty in responding quickly and effectively to (increased) demands emanating from society. Democratic regimes face demands arising from numerous structures which are regarded as expressions of popular power. These structures include interest and pressure groups, trade unions, political parties and other groups. Then there are a wide range of rights and freedoms like political rights, freedom of speech, association and assembly which enable individuals and groups to articulate and make public their demands. The regime must satisfy these demands or risk losing support. The excessive number and variety of demands in Easton's (1965:119-120) view, leads to stress when the decisionmakers are unable or unwilling to meet demands. This could lead to discontent and undermine support. If the situation persists conflict is the likely

outcome. Processing these demands is also time consuming. Furthermore, democratic regimes with their collective decisionmaking procedures are not geared to making swift and definitive decisions. Demands are easily made on decisionmakers, but making decisions and implementing them are more difficult and, as mentioned above, time consuming (Bobbio 1990:86; see Graham in Arthur 1992:66-71).

The second argument claims that democratic systems are more prone to social conflict than other regimes, for example, autocratic ones. The resolution of social conflict is a task of government. Democratic and pluralistic societies are characterised by a multitude of opposing interests and class conflict, which make it difficult to satisfy one interest without harming another. This leads to frustration and aggravation. A propensity exists in democratic regimes for sectional interests and those having the most consensus to be satisfied. The general or common interest is not necessarily served (Bobbio 1990:87).

According to the third argument, power in democratic regimes is more evenly distributed than in other regimes like autocratic ones. Power is generally diffused and fragmented. Democratic regimes usually also have several centres of power. The diffusion and fragmentation of power consequently increase the scope for participation, competition and dissent at the various levels and centres of power where collective decisions are made. In due course this creates conflict between those responsible for resolving conflict. Some social conflict is part of normal operations but a conflict of powers increases social conflict (Bobbio 1990:87-88).

The irony of ungovernability is that it leads to authoritarian solutions by strengthening the power of the executive and by greatly reducing the decisionmaking power of the majority. To prevent system overload produced by increasing participants and demands for social welfare and economic measures, there are basically two options, namely, increasing the power of government, or reducing power by limiting the power of the majority (Bobbio 1990:88; see Easton 1965). It should be noted in passing that these two measures are incompatible. The old liberal notion of limited government and negative freedom conflicts with the idea of



participatory democracy, positive freedom and political equality in the sense of the increased political participation of citizens. Increasing the power of government, moreover, suppresses negative freedom and positive freedom is reduced by placing limits on participation in the decisionmaking process.

Limitations on power were discussed as safeguards against majority tyranny in section 5.3.1, and they offered no guarantee against the abuse of power and the specter of tyranny. Increasing the power of government, furthermore, entails more bureaucracy, regulation, control, increased taxation and expenditure, all of which serve to place restrictions on all spheres of human activity (see Easton 1965). The danger of strengthening and increasing the power of government which tend to lead to the centralisation of power, a tendency which has historically occurred in various regimes, including democratic ones, is aptly described in a foreword to Stoddard's *The revolt against civilization* (1950:no page number):

As government moves toward total government, it crosses the point of minimum government necessary to preserve life, liberty and property; on into welfare, control of pricing, control of production, greater and greater ownership of property, expropriation of private property, control of wages, and all other aspects of life. This requires bigger and bigger government, and more and more taxes for its support. It centralizes power (control) which makes it easier and simpler for power seekers to grab, and create dictatorship. At a certain point it most probably requires absolute control to keep the people from overthrowing it.

Democratic regimes may collapse into dictatorships or tyrannies. It has happened in ancient as well as modern times (Brecht 1970:438; see Marriott 1936; Dahl 1985), and may recur again in future.

## **5.4 CONCLUSION**

This chapter firstly examined the relation, characterised by tension, between kinds of freedom and kinds of equality, and secondly between kinds of equality and kinds of freedom within the broad stream of Anglo American democratic theory and Continental democratic theory. The first theme associates freedom with democracy, which then threatens social and economic equality. These arguments concern the

limited powers of the liberal democratic model hampering the achievement of equality, as well as the non-Marxist and Marxist critiques of liberal democracy. The tensions between freedom and democracy then became tensions between freedom and equality, because of the close association of freedom and democracy.

Theoretically and practically, the limited powers of government have more to commend it than the respective critiques of the liberal democratic variant of Anglo American democratic theory. In contrast, Continental democratic theory favours democratic elements rather than the liberal ones which focus on limitations of governmental power. Democracy, defined as a locus of power, that is, rule by the people, says nothing about the liberal notion of limited government. In liberal democratic theory, the liberal and democratic elements coexist uneasily and exhibit tension between freedom and equality.

Criticism of the limited powers of government argument and the Marxist critique of liberal democracy, which see social and economic equality diminished by the lack of governmental intervention, and consequently, the exercise of freedom, are problematic on various grounds. These include the dubious practice of defining freedom as power or control and notion that the possession of material resources render people free, which place freedom in different cognitive categories; a misapprehension of economics and the operation of a market economy; the nature and function of private property; the tendency of human beings to act in their own self-interest, in accordance with their nature; and a skewered notion of causality as applied to economic production.

As far as the participatory critique of liberal democracy is concerned, the level and extent of political participation required are rather idealistic and overlook human inequalities, and consequently the differences in interest, knowledge, skill, the complexity of political issues, the availability of information and time constraints, and the difficulties of participating effectively in large, complex, industrialised societies. The danger exists that the lack of willingness and interest to participate in political processes may prompt an elite to coerce and enforce participation to secure political equality to attain 'true' freedom or self-government through the rational

planning of socio-economic life. The alternative is limiting participation to those who wish to participate, an option which culminates in elite or minority rule.

Continental democratic theory provides for various models of participatory democracy, including the notion of an unrestrained general will, which is also a characteristic of the Marxist-Leninist conception of a vanguard party, which articulates and implements the general will with likely totalitarian implications.

In practice the realisation of participatory democracy may neither be liberal nor democratic. However, both the non-Marxist and Marxist critiques of liberal democracy, tend to be too idealistic and removed from reality to be realised.

The Marxist critique of liberal democracy is not based on facts but on the a priori reductionist assumption of economic determinism, which is contrary to the historical record, human nature, logic and experience, and as such is notoriously irrefutable. Economic reductionism dispenses with the rational and moral agency of human beings, any notion of responsibility and causality, in the sense of the human capacity for voluntary choice and action. The Marxist and non-Marxist critiques are also based on a misapprehension of the history and operation of a market economy. In addition, freedom is confused with 'power' or 'control' over areas of human life. The Marxist critique is characterised by the selective use of historical facts, the obfuscation of the meanings of concepts, and ideological and prescriptive interests.

The second theme associates equality with democracy, which then threatens freedom. These arguments include the tyranny of the majority (in the legislature); the tyranny of the many over the individual; the tyranny of public opinion; the power of popular government; and the issue of ungovernability. In this instance as well, the tensions between equality and democracy become tensions between equality and freedom, because of the close association of equality with democracy.

Tocqueville and JS Mill were exponents of the arguments concerning the tyranny of the majority and the tyranny of public opinion. The tyranny of the majority argument highlights the tension between the will of the majority and the positive freedom of

self-determination of minorities. In the likely absence of unanimity, the supposed will of the majority becomes the will of the people, which then threatens the freedom of minorities. (It should be noted in passing that both Anglo American democratic theory and Continental democratic theory have conceptions of positive freedom as self-determination. Continental democratic theory, as pointed out previously, provides for the notion of the majority in government articulating the general will.) However, in the absence of unanimity, the will of the majority is equated with the will of the people. The numerical majority can oppress the freedom of minorities and individuals. The will of the majority, however, cannot logically be equated with the will of the people, which theoretically and practically, refer to different things. The will of the majority is also distinct from that of individuals and these may conflict. In the event of unanimity not being achieved, which is more than likely, self-determination is illusory and oppression is a possible outcome. Oppression, however, is not the prerogative of the majority as minorities and individuals may also oppress majorities and deprive them of their political rights.

The safeguards against majority tyranny, which are not particular to democratic regimes, are inconclusive and tend to reflect the imperfectability of human nature and will.

The argument of the power of popular government applies particularly to the people's democracies of Continental democratic theory. Equality is associated with democracy, which is potentially powerful and threatens the positive freedom of individuals. Although this argument contrasts democratic and autocratic regimes, the issue is that this model purports to represent and act upon the will of the people. If the will of the people is the animating factor and say, not the rule of law, it seems reasonable to suppose that oppression and tyranny will result. Historically, though, autocratic regimes did not possess the power of the whole of the people and the functions of the regime were limited.

The will of the people, and its noted attendant dangers apply as well to those regimes which purport to be democratic, like people's democracies and non-liberal regimes like the communist and underdeveloped variants of Africa and Asia. The general

will presumably will restore freedom, that is, freedom from ignorance, privation and disease to these underdeveloped variants. All these variants share the goal of an equal society, which is an unattainable ideal.

Whether these regimes are democratic or not is another issue. Furthermore, Marx and Lenin's use of freedom and especially democracy depends largely on the context and some preordained ideological framework.

The various democratic variants and their association with political and social equality, and freedom as self-determination, are thought to be inherently ungovernable in complex and highly industrialised societies. These regimes are also contrasted with autocratic ones. The pursuit of political and social equality, and satisfying the diverse and differing interests, and class conflict may lead to the serving of sectional interests, which in turn may invite authoritarian solutions.

Associating freedom closely with democracy to argue that freedom threatens equality, and conversely, linking equality closely with democracy to assert that equality threatens freedom, are logically contentious conceptual strategies, which nevertheless have practical implications. The tensions between freedom and equality, and equality and freedom, are not resolved theoretically and practical implications point to conflicting situations involving choices between freedom and equality, or equality and freedom, rather than a possibility of reconciliation.

Equality and freedom are different concepts which have no necessary logical links with democracy. They belong to different cognitive categories and levels of discourse. Furthermore, the nature of the relations between freedom and equality, and equality and freedom differ. The relation between freedom and equality in the limited powers of government argument is analytic and more empirical in nature than the Marxist and non-Marxist critique of liberal democracy, which are ideological and idealistic in nature.

## CHAPTER 6

### THE AFFINITY BETWEEN FREEDOM AND EQUALITY, AND EQUALITY AND FREEDOM

#### 6.1 INTRODUCTION

The arguments exploring the tension between kinds of freedom and kinds of equality, and between kinds of equality and kinds of freedom were fraught with conceptual difficulties, logically and factually inconclusive, and rather reinforced the tension existing between them instead of their reconcilability. This is amply demonstrated particularly by the Marxist and non-Marxist critiques of the liberal democratic variant of Anglo American democratic theory.

This chapter intends to examine the presumed affinity between freedom and equality, and equality and freedom, namely, whether kinds of freedom promote kinds of equality, and conversely, whether kinds of equality promote kinds of freedom within the context of the schools of Anglo American democratic theory and Continental democratic theory. The arguments in support of a relation of affinity between freedom and equality, and vice versa, are fewer in number than those exploring a relation of tension (see previous chapter) and the analysis of the arguments in this chapter should demonstrate whether they are more reasonable and convincing than the former.

The arguments purporting to demonstrate that freedom promotes equality concern two arguments. The first argument is the Rawlsian one which attempts to balance or harmonise freedom and equality despite the tensions between them, and promotes both freedom and equality. The second argument links freedom and equality so closely that they form one value. Liberal democracy then is the means necessary to achieve this value (Holden 1988:33,35). Aspects of this argument are also relevant to the participatory democratic model.

The notion that equality promotes freedom firstly entails the argument that kinds of equality, say political, economic and social equality further positive freedom interpreted as self-development or autonomy; and secondly, the idea of equal freedom which conventionally reflects the notion of one person's freedom not infringing the equal freedom of another person. The distinction between freedom and equality, however, can become obfuscated (see Holden 1988:34-42).

## **6.2 FREEDOM FURTHERS EQUALITY**

As mentioned above, the first argument combines basic freedoms, equality of opportunity and equality in the distribution of goods. The second argument equates freedom and equality, and deduces liberal democracy from the equation.

### **6.2.1 Reconciling freedom and equality**

Rawls (1980) in his work, *A theory of justice*, seeks to balance freedom and equality despite the perceived tensions between them. The principles of justice, which attempt to achieve such a balance are as follows:

- (1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
- (2) Social and economic inequalities are to be arranged so that they are both
  - (a) to the greatest benefit of the least advantaged, ... and
  - (b) attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls 1980: 302).

The first principle, the equal freedom principle, is liberal. The basic freedoms covered by this principle include the freedoms of thought, speech, assembly, the right to possess property and political freedom which refers to the right to vote and to stand for public office (see Swift 2003; Thomas 2000). These basic freedoms and opportunities in Bird's (2006:182) view are negative because it is easy to think that the state has a responsibility to prevent specific kinds of interference in the choices and actions of individuals. Political freedom and civil freedoms (freedom of assembly, speech, the press and so forth) are negative freedoms as they delimit the

scope of action of the state and constitute the boundary between the use and abuse of political power (Sartori 1987:330 endnote 13; see Chapman 1975:591).

The equal freedom or liberty principle enjoys priority over the second principle concerning social and economic inequalities. Once the first principle is satisfied, the second principle, the so-called difference principle, can be applied. Principle 2(a), the difference principle, is egalitarian. Social and economic inequalities must be distributed in such a way that the least advantaged in material goods will benefit the most. Inequalities are allowed only if they benefit the worst off in society. Principle 2(b), the fair equality of opportunity principle, in turn enjoys priority over 2(a), the difference principle. Given the existence of social and economic inequalities, all citizens must have equality of opportunity to achieve rewarded positions. (Swift 2003:24; Thomas 2000:113). In the event of a conflict between freedom and the inequalities which are not justified by the difference principle, namely that social and economic inequalities are to be structured in such a way that they operate “to the greatest benefit of the least advantaged” (Rawls 1980:302), freedom takes precedence. However, this does not prevent or prohibit government intervention to address inequalities or to promote welfare (Holden 1988:33).

Rawls’ principles of justice are ranked in lexical order. This ordering means that deviating from the first principle cannot be justified by more economic and social advantages.

Rawls’ principles of justice require further scrutiny in order to establish whether and to what extent Rawls succeeds in reconciling freedom and equality, and changing the relation between them from tension to affinity.

The difference principle is perhaps the most contentious of Rawls’ principles of justice and it is perhaps apt to consider this principle and its ramifications first. The difference principle requires that those with lesser endowments and born into lower stations in life must be given special assistance. This presumably amounts to Rawls’ “fair equality of opportunity” (Cauthen 1987:82). Rawls (in Johnston 2000:139; see Chapman 1975:591; Bird 2006:132) regards inequalities of birth and natural



endowment as undeserved. The individuals who achieve excellence because of the use of their superior talents, superior family background and social circumstances neither deserve their talents nor the benefits that result from the exercise of their talents. Equal treatment and equality of opportunity require that individuals must be compensated for undeserved inequalities.

Rawls then regards the hard work and achievements of the gifted as “social assets to be used for everyone’s advantage” (Cauthen 1987:82; see Bird 2006:137). Talents do not belong to individuals, but to the collective, society, and the collective decides how to distribute the productive outcomes of the efforts of the creative and talented in accordance with the precept of need (Susser 1995:104). People’s needs, however, differ and some need more resources than others. Talents are also resources to be shared equally. Those who have great talent will be disadvantaged because others will want the use of their talents. Those with lesser talents will benefit and individuals with more talent will have less incentive to use their talents (Pojman & Westmoreland 1997:9-10). The redistribution of the assets of the gifted without their consent and increased taxation to benefit the less endowed will require coercion and thereby diminish the negative freedom as well as the positive freedom of the talented to pursue their choices and goals (see Pojman & Westmoreland 1997:9-10; Bird 2006:141). Without incentives, the productivity of the more gifted will decline and the tax gains decrease (see Miller 2003:89-90; see Bird 2006:141). Apart from vast amounts of money required to provide social services and various kinds of goods to the needy and the indigent, the drastic governmental intervention, coercion and a huge bureaucracy invites another form of enslavement, namely to treat talented or gifted individuals as a means to the ends of others. One is justly tempted to ask, ‘by what right?’

As mentioned above, inequalities are permissible only in so far as they are connected to positions open to everyone under fair equality of opportunity, and inequalities benefit the worst off in society in accordance with the difference principle (Cauthen 1987:82). The principle favours the equal distribution of wealth and income, and permits departures from this only when the inequalities benefit the least advantaged. How the material condition of the least favoured will be improved in the long run is

unclear. The range and scope of calculation required is impossible to estimate. In addition, it is difficult to establish what needs are; even basic needs vary among individuals. Even if basic needs were met, the possibility exists that further expectations would arise on the part of the least favoured, which would then lower the expectations of the more advantaged, who in turn may be inclined to be less productive.

The principle, moreover, might also prohibit a strict egalitarian distribution as unjust if it would worsen the position of the less well off in society (Bird 2006:131). Nevertheless, it should be asked how inequalities benefit the worst off? People need incentives to do work where they would be useful. Some inequalities are necessary for a productive economy. If there were no inequalities people will not have an incentive to do one kind of work rather than another, hence, there is no incentive to do the work which is most socially useful for all concerned (Swift 2003:26).

The difference principle, furthermore, rejects desert and merit as a basis of reward as the more talented will gain more than the less talented, and those who work hard will be more successful than those who do not. Rawls rejects the view that such inequalities are just because they are deserved (Bird 2006:132). Instead Rawls favours justice as the equal distribution of primary goods like freedom, opportunity, wealth, income and self-respect. People are, as pointed out previously, entitled to an equal share of resources (Pojman & Westmoreland 1997:9), unless an unequal distribution makes everyone better off (see Charvet 1981:111).

Rawls' difference principle is based on the fallacious assumption that natural inequalities are undeserved and require redress. Equal treatment then demands that the least advantaged must enjoy preferential treatment over those who are naturally better endowed in order to achieve equality of opportunity (Ebenstein & Ebenstein 2002:342). Rawls, as mentioned previously, makes a category mistake in viewing genetic endowment as unjust. They are empirical facts and, hence, can be neither just nor unjust. Genetic characteristics are not a matter of morality or desert. Even if it is argued that genetic endowment is not deserved, it does not follow that a person is not entitled to, or deserve the economic rewards resulting from the productive use of

talent and ability (Bird 2006:132-133). This notion is egalitarian and contrary to the liberal one which justifies the keeping of whatever gains accrue from the exercise of an individual's natural talents. According to the egalitarian view, people have an "equal right" to achieve their ends regardless of their natural abilities (Charvet 1981:110). This is a misconception as talents are naturally possessed by individuals, and their efforts and property belong to them. They are beyond the scope of the whims and decisions of some collective (Susser 1995:104).

Does the difference principle adequately come to grips with the elimination of inequalities? Taken the abovementioned fallacious assumption, namely, that natural inequalities are undeserved and require some kind of compensation or redress, and if the principle works consistently to the benefit of the least advantaged, the possibility exists that freedoms might be overridden in reality by, for example, redistributive taxation and/or massive social welfare and upliftment programmes, if the dubious goal of benefiting the least favoured is to be realised. The interests of the worst off in society always have priority. The difference principle seems to allow inequalities if they do not result in unequal freedom. Other inequalities result from the use of natural talents, social position, class and circumstance.

As pointed out previously, inequalities are allowed only if they are connected to positions open to everyone under fair equality of opportunity, and provided the inequalities benefit the least favoured in society. Before considering Rawls' view of equality of opportunity, it should be noted that the interpretation of 'equality of opportunity' is problematic. Equality of opportunity may refer to the equal opportunity to apply one's natural talents; or to the view that government should provide equal opportunities to all, or to the disadvantaged at the expense of the advantaged. Equality of opportunity, in the first instance, favours freedom and results in substantial inequalities of human condition. In the second instance, it greatly erodes freedom to ensure the greatest possible equality of condition, without which opportunities arguably will not be equal (Pennock 1979:37). People also use opportunities differently and this may deny access to opportunities by others, thus resulting in unequal outcomes. The use of opportunities in any event leads to unequal outcomes and conditions (see Holden 1988:31-32).

According to Miller (2003:89) Rawls' equality of opportunity principle is rather radical. The principle not only requires that "positions of advantage" be given to those who are better qualified, but applicants must also have had an equal opportunity to become qualified. This means that those who have equal talent should have been given equal initial starting points or equal chances from birth onwards. The principle thus seems to encompass equal starting points and equal outcomes. It is not clear how Rawls intends to deal with this. Even if equal starting points were possible (which they are not), the outcomes will be unequal (see Sartori 1987:351). It is likely that attempts at equalisation requires massive governmental intervention, coercion and regulation. However, Rawls favours intervention in the market system and the outcomes of the actions and interactions of individuals: (a) to use social assets to provide equal opportunities for all; (b) to provide a social minimum pertaining to level of income and "special allowances based on need"; and (c) to limit inequalities of income and wealth to those which benefit everyone, particularly those who are the worst off (Cauthen 1987:82). Nozick (1974:235) argues that equality of opportunity can only be provided in two ways: "by directly worsening the situations of those more favored with opportunity, or by improving the situation of those less well-favored. The latter requires the use of resources, and so it too involves worsening the situation of some: those from whom holdings are taken in order to improve the situation of others".

The outcome of the equality of opportunity principle, to reiterate, is inequality as natural differences and talents would assert themselves and the opportunities of those who make use of their advantages are not equal to those of others, who in addition may now also be faced with lesser opportunities (Pennock 1979:36).

Equal outcomes, it seems, require unequal treatment, and equal treatment does not entail equal outcomes (Sartori 1987:351). For instance, physically disabled individuals have to be treated unequally if they are to have something like equal opportunities, or some group has to be discriminated against to give another group equal opportunities. The outcomes will, in any event, be unequal for various reasons including natural human differences, talents, interests, creativity, productivity, and social status and connections.

The equal freedom principle enjoys priority over the other principles, but the difference principle is likely to conflict with it. Charvet (1981:114) argues that the equal freedom principle entails an equal right to freedom which also includes the self-development and productiveness of people. People have equal value as “self-forming beings” to live their lives according to their choices, provided others are not harmed. If people do not have such a right then they cannot have “equal value as self-forming beings”. Rawls simultaneously permits deviations from equality which provides some with greater opportunities to realise their goals than others, and this in Charvet’s (1981:114) opinion denies their equal worth.

The difference principle, moreover, is presumably based on the assumption of equal respect for individuals. Logically it does not follow that, because of equal respect, individuals should enjoy equality in material goods and services. Furthermore, one kind of equality does not entail or imply another kind of equality. Equal respect and economic equality refer to different categories of things, and have nothing to do with each other.

Rawls gives priority to the principle of freedom over that of equality, but he does not succeed in giving adequate reasons for the priority of the freedom principle over the second principle, namely the difference and equality of opportunity principle (Martin in Boucher & Kelly 2003:506). A careful reading of Rawls, however, gives the impression that he attempts to balance the two. This strategy does not seem to work because the two principles limit each other, whereas according to (Charvet 1981:81) it must be demonstrated how both principles can simultaneously be satisfied. Furthermore, although a satisfactory notion of justice “requires a mutual limitation of the rights to negative freedom and to welfare” this cannot be achieved as Rawls tried to do within a liberal individualistic perspective (Charvet 1981:115).

Even if priority is given to the freedom principle, it is not difficult to see how it could be undermined rather than reconciled with equality in the light of Rawls treating individual human talent and the productive outcome of talent and ability as a social asset, the property of society to be distributed by employing coercive measures to

further equality. It can be argued that equality implicitly enjoys priority as Rawls favours a society which functions for the benefit of the weaker, disadvantaged and the worst off. They will receive a social minimum regardless of their contribution to society (Cauthen 1987:85).

Cauthen (1987:86) questions Rawls' concern with the least favoured and disadvantaged:

Granted that the poor take priority, but do they take absolute priority always, so that no one can ever rise the slightest but until all rise equally and together? Must all inequalities benefit the disadvantaged?

It is far from clear how the equal freedom principle is to be balanced or weighted against those pursuing equality or the elimination of inequalities. Rawls does not seem to resolve the tension between freedom and equality. Greater equality in many instances can be realised only by limiting the freedom of others in the pursuit of their goals (Pennock 1979:50). The “[p]ursuit of an ideal of equality contrary to the inequalities inherent in the natural order requires constant interference and coercion” by government (Chapman 1975:591).

It is also not clear that rational persons deliberating on the principles of justice in the hypothetical ‘original position’ and constrained by a ‘veil of ignorance’ (see Rawls 1980) would adopt Rawls’ principles of justice, and in Rawls’ lexical order. Rational persons might choose other principles, say one that guarantees all members of society basic welfare, and then Rawls’ first principle of equal freedom would not apply (Pennock 1979:51; see Swift 2003:24; Susser 1995:104). It is also likely that many individuals would demand the freedom to use their talents to the best of their abilities and to be rewarded accordingly. If so, the tension between freedom and equality remains (Pennock 1979:55).

Finally, Rawls has a flawed view of human nature and society. Society is much more than a contract agreed to by rational negotiators who are ignorant, faceless, without context and identity. Moral obligations, duties, rights and institutions surely cannot arise from such conditions. Morality, identity and society are not derived from a contract (Susser 1995:103).

### 6.2.2 Equating freedom and equality

Arguments equating freedom and equality, or at least assert their compatibility are put forward by liberals and socialists who favour egalitarianism in varying degrees. Elements of the liberal egalitarian argument are also relevant to the participatory democratic model. The connection between freedom and equality is perceived to be so close that they constitute one value. This view includes the notion that liberal democracy is a means to realise this (single) value (Holden 1988:35). Two ideas are important in this context.

Firstly, there is the belief that individual freedom entails the important features of autonomy and self-development. As these are possessed by all human beings, all individuals are equal or the same in important aspects. Secondly, these features imply that all individuals should be treated with equal respect and concern. Furthermore, it is argued “that only a political system in which all have an equal say in determining the conditions of their life, i.e. a liberal democracy, can realise these ideals” (Holden 1988:35).

The connection between freedom and equality, moreover, is so close that they are “defined in terms of each other” (Holden 1988:35; see Carling 1988:90-91). Liberal democracy, rather than being necessary for their realisation, is deduced from freedom and equality. The liberal element of liberal democracy is an aspect of the democratic element; the liberal element does not limit democratic government: “government by the people necessarily involves all individuals freely contributing to the decisionmaking process” (Holden 1988:36). Hence, in a democracy that functions properly, negative freedom is necessarily a part of the governing process, and does not require protection as required by the classical liberal democratic model (Holden 1988:36). In practice, however, the potential exists that the minority may be oppressed by the people, and particularly by the elected. (The relation between liberalism and democracy was discussed in Chapter 3, section 3.9.) The aim of liberalism seeks to limit government to further negative freedom, whereas democracy has the purpose of expanding power and is associated with equality (see Bobbio 1990:48-49; Sartori 1962:354).)

Nevertheless the above argument makes various claims about human nature, the nature of politics, and kinds of freedom and equality. These claims require scrutiny in an attempt to establish whether the relation between freedom and equality is one of affinity, which implies a similarity between different things, or compatibility, which may refer to a harmonious coexistence between entities.

Assumptions of all human beings possessing a capacity for autonomy and self-development and which purportedly demonstrate that all individuals are equal in some respects are taken to imply that all individuals should be treated with equal respect. It must be reiterated here that evidence shows that people do not equally possess a rational or moral capacity, or make equal use of their capacities. People are naturally different. Sartori (1987:340) remarks that “it is *just* to promote certain equalities precisely to compensate for the fact that men are, or may be, *born different*”. Thus natural differences among individuals are acknowledged, but they should enjoy equal treatment as a matter of justice. It should, however, be pointed out that neither natural nor moral equality strictly implies any other equality or that inequalities are unjustifiable. Furthermore, do assumptions of human nature imply the desirability of liberal democracy, or can liberal democracy be deduced from them?

Thorson (1965:41) is interested in the issue of deriving political proposals, in particular (liberal) democracy, from metaphysical premises. Two value absolutists who attempted to derive forms of regime from metaphysical premises are Plato in the *Republic* and John H Hallowell in *The moral foundation of democracy*. Plato derives an authoritarian regime and Hallowell a democratic one (Thorson 1965:44) from a moral, natural law position, involving claims about the nature of reality, human nature, knowledge, and the law of nature. Knowledge of human nature enables human beings to know what they should be and do. This is encapsulated in the “law of nature” or “the moral law” (Hallowell 1954:25; see Thorson 1965:45; Berg 1965:116). Human beings are then equal in their capacity to distinguish right from wrong. The doctrines of natural law and human equality constitute the foundation of democracy (Hallowell 1954:115).



In order to validly deduce democracy from some metaphysical system, or world view, or from assumptions of human nature, the notion of democracy must be implicit in the premises. Additional premises are required to complete the argument: “the premise must implicitly state the conclusion” (Thorson 1965:48).

Even if additional relevant premises are provided, or even if the premises are sufficiently specific so that a particular regime can be deduced from them, or if the premises implicitly suggest a regime, this does not constitute a good reason for accepting that regime: “The fact that one can state a preference for democracy in the language of a particular metaphysic does not give us any reason to accept it as a political system” (Thorson 1965:49). A good reason or adequate proof will have to be established on grounds other than deductive logic. Deductive logic with its strict necessity and absolute logical proof seems inappropriate in this context (see Thorson 1965:50).

In addition this argument begs the question; it is a circular argument. It assumes that all human beings possess certain qualities, namely autonomy and equality. Then it asserts that only a liberal democracy can realise these ideals. This conclusion, as stated above is a *non sequitur*. Furthermore, features possessed by all human beings cannot both be qualities of human beings and ideals to be pursued by a particular regime, unless it is regarded as a task of a government to help human beings to further realise themselves.

Liberal democracy is also deduced from collapsing the distinction between freedom and equality, so that they are defined in terms of each other and refer to the same thing/s. If they refer to the same things, can a relationship of affinity or compatibility exist between freedom and equality?

According to Lukes (in Held 1991:53) RH Tawney, John Dewey and Harold Laski argued that the values of freedom and equality coincide; they are not opposing values. John Dewey redefined freedom as ‘power’ and valued negative freedom only as a means to freedom as power. The use of freedom as power is confusing and

seemingly identifies freedom with wealth. This is then conducive to demands for the redistribution of wealth:

Whether or not I am my own master and can follow my own choice and whether the possibilities from which I must choose are many or few are two entirely different questions (Hayek 1976:17).

The practice of identifying freedom with some other value invites equating freedom and equality so that these two concepts have the same referents. Concepts are redefined to mean approximately the same thing. Hayek (1976:424, endnote 21) refers to D Fosdick (1939:21) quoting Dewey:

If freedom is combined with a reasonable amount of equality and security is taken to mean cultural and moral security and also material safety, I do not think that security is compatible with anything but freedom.

Not only are concepts redefined to refer to more or less the same thing, but different things are also smuggled into the meaning of a single concept and are deemed to be compatible. This practice is contrary to the rules of definition, namely, that two different concepts cannot mean the same thing; and one concept cannot be used to designate two different things (Cranston 1967:27 referring to Robinson 1950:80).

According to Carling (1988:90) Richard Norman, in his work *'Free and equal: a philosophical examination of political values'* (1987), makes a case for equating freedom and equality. Freedom is given a broad meaning as pertaining to the range of choices open to individuals. The range covers available options, as well as the assessment of alternatives. The conditions of freedom include the negative condition not to be coerced, and the positive conditions which include political, material and cultural conditions. The political conditions refer to participatory democracy, the material conditions to access to resources, and the cultural conditions to the goods that further autonomy, like education and knowledge. These conditions are not logically linked to freedom, but by means of characteristics of human nature and action.

The value of freedom is founded in “the experience of self-fulfilment”. The value of equality, however, is based on the human experience of a “cooperative community”. Individuals participate freely in this community and respect the freedom of others. This cooperative community is, furthermore, governed by egalitarian principles of justice requiring the equal sharing of power; and the distributing of benefits and burdens in such a way that everyone benefits in an equal way. The ideal of equality is limited to cooperative relations and has three elements, namely, “equality of power, equality of material goods and equality of access to culture” (Carling 1988:91).

The direct alignment of the conditions of freedom and elements of equality supposedly demonstrates that freedom and equality do not oppose each other, but coincide. The vision of a cooperative society where freedom and equality exist in equal measure is utopian and without foundation in reality. Welfare states like post World War II Britain and socialist ones in Asia, Africa and Eastern Europe historically have not economically, politically and socially met with much success (see Crozier & Seldon 1986).

However, Norman’s (1987) conception of society and justice as a matter of welfare entitlement raises various issues. For instance, it must be asked once again who is to decide what people are entitled to, and how much of whatever resource as people’s needs differ? Which criteria will apply and how will the distribution of goods be measured and calculated? Moreover, it seems to be assumed that participation in political, cultural and economic processes will be compromised by gross inequalities of wealth. In reality though it is more than likely that due to the natural human inclination to innovate and compete, some individuals or a group will gain dominance and consequently produce further inequalities. It also appears to be assumed that the possession of resources will render individuals equal and free. The lack of material resources, furthermore, may limit a person’s choices but does not render that person unfree. Even a person who lacks bread – a necessity of life – cannot be considered unfree. It must be insisted that freedom (in a political context), means the absence of external coercion (see Joseph & Sumption 1979:49). Even “[t]he suggestion that freedom means absence of want rather than absence of coercion carries with it the implication that it may be necessary to accept a political

society characterized by coercion in order to conquer want” (Joseph & Sumption 1979:48). Furthermore, it is not difficult to see how, for instance, one person’s equality pertaining to demands for resources might undermine another person’s freedom as far as acquiring resources is concerned, and vice versa. Equality of condition is always achieved through intervention and coercion.

The achievement of any kind of equality in an absolute sense is empirically impossible, and attempts to implement kinds of equality not only generate further inequalities, but require massive governmental intervention and coercion. Intervention and coercion render individuals unfree. Joseph and Sumption (1979:47) lucidly remark:

A society in which the choices fundamental to human existence are determined by coercion is not a free society. It follows irresistibly that egalitarians must choose between liberty and equality.

In reality, freedom and equality “increasingly seem antipodal rather than complementary” (Wilhoit 1979:260). It must be insisted that  $A \neq A$ : Freedom is freedom, and equality is equality. These concepts refer to different things (see Sartori 1962:375) and belong in different categories. It is not merely a matter of logic or semantics. Concepts not only relate to but impact on reality. Hayek (1976:85) makes the following point: “Not only has liberty nothing to do with any other sort of equality, but it is even bound to produce inequality in many respects” in practice. Equating or confusing freedom and equality is “more than a rhetorical device” (Joseph & Sumption 1979:51). It is an attempt to deny that people must choose between freedom and equality “by pretending that we can have both” (Joseph & Sumption 1979:52). Redefining freedom and equality, furthermore, to mean approximately the same thing does not make it so in reality. Equality cannot be identified with freedom. Equality can be seen as a condition of freedom, but this connection between freedom and equality, however, is “provisional and ever precarious” (Sartori 1962:376). The tension between freedom and equality and the ways in which they can conflict in reality remains (see Chapter 5 for the tensions between kinds of freedom and kinds of equality).

The arguments for the compatibility or the affinity of freedom and equality on logical, conceptual and empirical grounds remain inconclusive.

### **6.3 EQUALITY FURTHERS FREEDOM**

Two arguments purport to demonstrate that equality furthers freedom. According to the first one, kinds of equality, say political, economic and social equality enhance the positive freedom, namely self-development, self-rule or autonomy of persons. The second argument involves the idea of equal freedom whereby one person's freedom does not infringe the equal freedom of others. This argument also tends to obfuscate the distinction between freedom and equality. In both arguments, however, a relation of affinity is claimed to exist between freedom and equality.

#### **6.3.1 Kinds of equality promote freedom as autonomy**

Kinds of equality, in this instance, political equality tends to promote freedom. Political equality, in the liberal democratic model, requires equal decisionmaking with regard to governmental action "and such action could still be limited to that which is compatible with individual liberty" (Holden 1988:38). Political equality, negative freedom and positive freedom in the weak sense of acting on one's choices, are regarded as compatible. Liberal democracy, however, promotes other kinds of equality. In reality people may desire more equality at the expense of freedom but provided that the erosion of freedom is rather limited or within the bounds of democracy, the political order can still be seen as a liberal democracy (see Holden 1988:38; see Sartori 1962:340).

The people's democracies of Continental democratic theory, whether socialist or within the Marxist tradition, also regard themselves as 'democratic' and claim that liberal democracies in the West, despite universal suffrage - the true source of power, the ownership of the means of production is still vested in the hands of a few. This material inequality has been eliminated in people's democracies as they serve the

interests of the whole of the people, and not those of a minority. The claim of people's democracies, in Lively's (1975:29) words, does not follow:

It is one thing to admit that within a formally democratic system political equality may be greater as other equalities are achieved, quite another to say that if those other inequalities are present then political equality is necessarily established.

Autonomy, in the sense of obedience to one's self-rule (Heywood 1997:72) is also associated with participatory democracy where people participate directly and continuously in deciding on political issues. Marx presumably upheld a form of participatory democracy with adults participating in political decisionmaking (Femia 1993:72). The socialist notion of material equality, however, is regarded as compatible with autonomy. Autonomy goes beyond negative freedom. It is "the capacity to do those things which are constitutive of one's life-plan and the possession of such attributes as rationality, strength of will, self-awareness and so forth which enable one to implement that life-plan" (Young 1988:666; see 663; Harrison 1993:163). Sartori (1962:303) regards autonomy as a democratic ideal but doubts whether obeying one's own rules is actually "adaptable to the democratic creed, and whether it really reinforces it".

Nevertheless, socialists and egalitarians are bound to argue that material equality of income and wealth is a precondition of the autonomy of all individuals. Inequalities in income and wealth lead to inequalities of 'power'. There are significant differences in the opportunities individuals have to achieve their life-plans. The private ownership of property and business enterprises impose constraints on those who do not own property. Private ownership impedes the equal achievement of autonomy for everybody. Differences in economic power, moreover, have a strong influence on political equality, the access and effective participation of individuals in the political process (Young 1988:678-679). Joseph and Sumption (1979:53) soberly point out that "private wealth" constitutes a form of power, but that this is "not a power to coerce others". Furthermore, "[p]rivate wealth like political power may corrupt, but unlike political power its corruption does not harm others". The concentration of political power required by an egalitarian society "would be objectionable even on the assumption that it would never be abused" (Joseph & Sumption 1979:53).

The idea of political equality, however, according to Thorson (1965:149) “leads, perhaps inevitably, to demands for social and economic equality; and greater social and economic equality in turn makes political equality more genuine”. The increase of universal suffrage led to a growth in kinds of equality thereby making “different groups of society more equal in their political power” (Harrison 1993:177). Equal participation in reality, however, it should be noted, can have unequal results. Equal results again can be achieved by methods of unequal participation (Harrison 1993:186).

Following this line of argument, democratic participation then must be extended to the economic and social spheres, as well as family life in order to promote “real freedom from arbitrary power and oppression”. Economic equality provides the basis for political equality as well as the satisfaction of needs and a sense of community (Baker 1987:5). People, moreover, have a right to have basic needs satisfied, as a matter of justice and not charity, and each person shares “the collective responsibility for satisfying everyone’s needs” (Baker 1987:18). Furthermore, “a sense of community depends on a common culture, with a core of attitudes and values. Economic equality is thus a basic precondition for a developed sense of community” (Baker 1987:35).

Kinds of equality then presumably promote freedom. Arguments such as these assume that inequalities of whatever nature are unfair, and consequently bad or wrong. This contention is incorrect and contrary to evidence. It also seems to be assumed that equalities increase by the addition of other kinds of equality. Some equalities are cumulative, but this cannot be said of other equalities. Kinds of equality may be minimised in the process of pursuing other equalities. Furthermore, two kinds of equality may be mutually exclusive. The order and extent to which kinds of equality are complementary or mutually exclusive should be established. As Sartori (1962:343) asserts

Equality of rights certainly does not bring, in itself, equality of possessions; but a drastic equalization of wealth apparently demands disparity of formal treatment. If equal rights do not imply equal power, on the other hand to give the State the power to equalize all power may well result not in increasing but in annihilating our powers of liberty.

The addition of equalities has limited validity as it assumes that existing inequalities “can be progressively reduced, and little by little eliminated” (Sartori 1962:344). Baker (1987:13) denies that kinds of equality can conflict, and would probably reject the above contention that kinds of equality could be undermined or lessened by other kinds of equality. Instead Baker (1987:5) claims that economic equality is the basis for political equality and the satisfaction of needs.

Furthermore, the point that individuals have a “collective responsibility for satisfying everyone’s needs” (Baker 1987:18) implies that coercion maybe used to take resources from the rich to satisfy the needs of the poor. Sterba (1992:57) regards the “conflict between rich and poor ... as a conflict of liberties, we can either say that the rich should have the liberty to use their surplus resources for luxury purposes, or we can say that the poor should have the liberty to take from the rich what they require to meet their basic nutritional needs”. The freedom of the poor to take surplus resources from the rich is “morally preferable” to the freedom of the rich to use their “surplus resources for luxury purposes” because “people are not morally required to do what they lack the power to do or what would involve so great a sacrifice that it would be unreasonable to ask them to perform such an action” (Sterba 1992:57).

This argument assumes that if people have basic needs and these needs are not satisfied and others possess resources which are not basic needs, then the former have a claim to the resources of the latter (Machan 1989:102). It is further assumed that resources came into the possession of the rich by arbitrary means. In other words, they were not produced, earned, paid for or inherited. Machan (1989:102-103) asks why some persons’ needs entail a claim upon others lives, why such needs exist and to what end are they needs, whose ends these are, and why are the persons involved not held responsible for meeting their needs. Those who claim the resources of others are treating them as victims whose productive results are “unowned resources” to do with as they please (Machan 1989:105). Arguments such as these to further the economic equality of some at the expense of the property and freedom of others are morally reprehensible and indefensible. Furthermore, it treats some individuals as a means to the end of others, and no person can claim the justly earned resources of others as a right.



Freedom interpreted as autonomy, and redefined or manipulated by Rousseau, Hegel and Kant can then be used to show that people are free when they are not. This notion of autonomy can lead to enslavement and tyranny. Autonomy as dealing with the human will is an inner or philosophical freedom, and, hence, not applicable to political freedom and politics. Arguments of freedom as autonomy, which presupposes some measure of economic equality and welfare provision for self-rule are implausible and without empirical foundation.

Furthermore, it is not plausible to argue that equalising economic conditions, or achieving material equality will lead to ‘real’ freedom or autonomy. Sartori (1987:377) thinks this view overlooks the point that one person’s power over another is not only a material entity linked with property. Power also refers to a relational aspect. Eliminating the power which comes from ownership only has the effect of all power becoming relational. The resources of power refer to one thing and power itself constitutes another thing (see Sartori 1987:345).

Lastly, it must be emphasised that achieving economic equality is an empirical impossibility, and it cannot be a precondition of freedom. Individuals, moreover, use their freedom to obtain economic or political power, which immediately leads to inequality of condition pertaining to status, prestige and material goods. Such an inequality can be used to produce an even greater inequality. In like vein, if the meaning of equality is extended beyond its formal meaning to the “substantive area and toward equality of condition, the more it impinges upon liberty, by almost any definition of the latter term” (Pennock 1979:46).

### **6.3.2 Equal freedom**

The principle of ‘equal freedom’ can be interpreted in various ways. It is sometimes interpreted in two distinct ways, which reflect different views of the nature of freedom and the distinction between negative and positive freedom. The first meaning is formal, namely, the statement that ‘all people equally have rights, and

rights apply equally to all'. These rights include political and civil rights. Freedom then pertains to the exercise of formal rights. The second meaning concerns the redistribution of wealth and material resources. The exercise of positive freedom (in its strong sense) requires material goods to promote freedom (see Heywood 1994; Holden 1988).

The principle of 'equal freedom' is peculiar to liberal democratic thought and is compatible with the liberal view of freedom. Equal freedom, in this instance, means "that each person should enjoy as much liberty as is compatible with the liberty of others, and may do anything which does not detract from the equal liberty of others" (Bobbio 1990:33; see Nock 1992:678). Each person has equal freedom to act upon their choices and to live their lives in accordance with their abilities and capabilities "without regard to the opportunities, resources or wealth they start with" (Heywood 1994:227). Equal freedom seems to derive from the idea that human beings have equal value as self-determining agents and, hence, have equal rights to determine themselves, that is, "an equal right to freedom" (Charvet 1981:12).

Another the notion of equal freedom is the classical liberal principle which holds "that all sane adult individuals have the right to govern their own lives as they see fit, provided that each respects the equal right of all others to do the same" (Nock 1992:678).

Equal freedom then is a formal principle. It is, however, difficult to apply in practice. For instance, as mentioned previously, people use their freedom in different ways, or do not equally value freedom, or value equality or stability rather than freedom. Furthermore, when and under which circumstances would it be morally right or permissible to interfere with another person's equal freedom to perform actions? In practice, the freedom of individuals and groups have been limited or undermined on various grounds, for instance, race, ethnicity, class, religion, ideological orientation, and even behaviour like imprudent or improper acts. Interference can be seen as a denial of a person's equal freedom (Steiner 1974:201-202). On the one hand, interference with a person's freedom can be justified when an action is wrong or harmful to others. On the other hand, instances may exist which make interference

with another person's freedom impermissible (see Steiner 1974:204). This is a difficult issue and answers are seldom clear cut. In broad terms, though "[t]o violate the rule of equal freedom is to accord a priority to the achievement of one's own values at the expense of that of others' values" (Steiner 1974:208). However, in reality values can and do conflict, and the equal freedom of some can be limited or violated by others. The rule of equal freedom tends to exhibit tension, rather than affinity.

Cauthen (1987:64-79) attempts to address the issue of tension and affinity in the rule of equal freedom in his three models of an ideal society. The first one, the Freedom Model, is individualist and emphasises the freedom of the individual and the search for a private good. The second one, the Equality Model is communal and upholds equality as a value and the quest for the common good. The third model is a synthesis of the first and second models. The Freedom-Equality Model balances freedom and equality and stresses both the individual and the common good. All three models are characterised by democratic rule and equal freedom.

The Freedom Model uses the value of equality in equal freedom as "a subordinate ideal" or "secondary value" whereas in the Equality Model freedom in equal freedom is the "secondary principle" (Cauthen 1987:66). Freedom in the Freedom Model refers to the maximum freedom for all without coercion or restraint. Individuals possess equal freedom to pursue the good life. Similarly, the Equality Model calls for the maximum equality for all. Equality encompasses goods of various kinds ranging from rights, power, status, opportunities, to the distribution of goods, services and income. While people may be regarded equal as persons, they differ as far as merit and needs are concerned. This model acknowledges that some equalities are protected while certain inequalities are permissible.

The Freedom Model restricts power constitutionally. Power is distributed equally among citizens in order to guard against tyranny of the majority. In the Equality model the principle of equal freedom prevents elite rule or rule by the dictatorship of the proletariat. These forms of rule presume to know what constitutes the common good and how it is to be achieved and distributed. The Freedom Model faces the

excess of the “tyranny of the strong”, whereas the Equality Model holds the danger of the tyranny of the elite. In Cauthen’s (1987:68) view without the “qualification of freedom with equality and of equality with freedom both types would be intolerable”. The ideal of equal freedom, which is underpinned by individual rights, has a fundamental and preventative function to fulfil in both models. The individualism of the Freedom Model holds the possibility of the gifted and productive acquiring power over others and threatening the equal freedom of persons. In the Equality Model, again, individual rights can be restricted by attempts to make all equal for the sake of the common good. The freedom of all or some can be threatened by the elite, or by democratic processes, and thereby limit the freedom of persons for the common good. The principle of equal freedom then guards against these excesses. However, it is difficult to envisage the ideal of equal freedom functioning in reality in the way presented by Cauthen.

As mentioned above, it is possible that the equal freedom of some could be undermined or conflict with the equal freedom of others. For instance, the more productive could be heavily or more heavily taxed to provide social welfare benefits to the poor and the indigent, thereby infringing the freedom of the productive. The freedom of the poor could also be undermined, say, if equal opportunities were not available to enable them to better their positions through their own efforts. The freedom of the indigent likewise could be infringed if they were coerced by measures instituted by government, for instance, compulsory education or skills training to enable them to develop attitudes conducive to self-development and betterment (see Bowie & Simon 1979:254-268).

The models with their kinds of equalities, may be inimical to individual freedom, and the ideal of equal freedom may promote tension and not affinity between freedom and equality. According to Cauthen (1987:68-69) equality of opportunity in the Freedom Model means that career opportunities should be available to those who have talent and merit. Any intervention would restrict individual freedom. The Equality Model, with its commitment to the value of equality, upholds both equality of opportunity and equality of outcome or results. This model would restrict individual freedom for the sake of equality of opportunity and equality of outcome.

Absolute equality of opportunity requires altering genetic endowment, which is empirically impossible, and the destruction of the family. Equal outcomes (equal rewards), again, prevent distribution according to merit as well as need. Equalising opportunities and outcomes admittedly is counterproductive as the productive and creative have no incentives to work hard or to produce with the result that fewer goods will be available to all.

Furthermore, in the Freedom Model, “*equal freedom*” leads to tension. Equality of opportunity must not be merely formal, but be real. Therefore, to equalise opportunities of the disadvantaged is defensible. The Equality Model with its commitment to “*equal freedom*” contains tension of a different kind. Realising equality of opportunity and equality of outcomes conflicts with individual merit and freedom (Cauthen 1987:70). As Cauthen (1987:70) remarks:

Each type has to struggle to resolve the tensions that result from its peculiar way of combining freedom and equality, while giving priority in each case to one or the other.

The individual in the Freedom model is prior to the state. This model is compatible with a classical liberal democratic order and capitalism as an economic system. The Equality model, which subordinates the individual to the whole and the individual good to the common good is compatible with variants of socialism (Cauthen 1987:71), variants of participatory democracy and people’s democracy of Continental democratic theory.

The third model, the Freedom-Equality Model synthesises the Freedom and Equality Models, and also takes on a democratic form. Democratic rule is based on equal freedom for all. This model maximises the good, individual freedom and social equality. It furthers “freedom as extensive and equality as complete as the constraints of each on the other permit within the framework of justice and the quest of maximum happiness for all” (Cauthen 1987:78). Individuals are both independent and interdependent in some respects. Equality of opportunity and equality of outcome with certain qualifications are applicable to the model. Individual achievement based on merit is rewarded and individuals who participate in the community are rewarded by contributing to and receiving from the community.

The Freedom-Equality Model seeks to combine individual freedom with egalitarianism. Such an ideal equal and free society, even assuming that it consists of ideal, reasonable, culturally homogeneous citizens, it seems, will not eliminate the tension between freedom and equality, but in reality merely compound it. The presumed advantages of this society, namely, the idea that class differences and differences in status will be reduced when wealth is more equally distributed, and that the whole of society will benefit and will be happier, is not convincing. It is likely that equality will not diminish destitution but will distribute it more equally. “Equal societies are not contented ones but wretched societies based on the frustrations of ordinary human instincts” (Joseph & Sumption 1979:103). In short, equality is contrary to human nature.

The conflict between kinds of freedom and kinds of equality is “not resolved merely by insisting that all have equal freedom. Equally free persons may engage in just interactions with others that result in great inequalities” (Cauthen 1987:11). Equal freedom then leads to inequalities of achievement if merit is taken into account. Furthermore, equal freedom and equality before the law in many instances will result in various kinds of legitimate inequalities. Efforts to ensure equality of outcomes involve forcefully taking resources from some to redistribute to others and in the process eroding the freedom of the victims (see Cauthen 1987:21, 52, 53). Redistribution acts as a deterrent to hard work, produces economic distortions and threatens the will to produce (Joseph & Sumption 1979:19). Equality of opportunity, moreover, leads to unequal outcomes, and equality of opportunity is incompatible with equality of outcome. Furthermore, the exercise of freedom in all areas of life will always bring inequalities in its wake. Given the limited natural and material resources of societies it is apparent that equality in freedom remains an ideal and that variants of democracy like social democracies, participatory democracies and people’s democracies that promote egalitarianism, “with its ubiquitous freedom-equality paradox, may be an experiment doomed to fail” (Wilhoit 1979:259). The enforcement of equality finally leads to tyranny and inequality in practice (Joseph & Sumption 1979:47).

Perhaps it is a misconception to think that freedom must be equal, otherwise it is not freedom. Freedom, as emphasised repeatedly, in a political context means the absence of coercion, and not the presence of material resources or some material good. Due to their natural differences, people have different preferences, interests, needs, desires, values and goals, and use their freedom differently. If all individuals used their freedom in the same way, freedom would cease to exist (Bovard 2000:5)

#### **6.4 CONCLUSION**

This chapter examined the presumed affinity between kinds of freedom and kinds of equality, and conversely between kinds of equality and kinds of freedom to establish whether they promote or enhance each other.

The first set of arguments referred to Rawls' attempt to balance or reconcile freedom and equality; and the notion that freedom and equality are so closely linked that they constitute one value from which liberal democracy can be deduced.

Rawls it seems does not succeed in reconciling or balancing freedom and equality. His principles of justice require a continuous movement between the freedom and equality principles and plays off the two against each other. It is apparent that freedom does not always enjoy priority as Rawls permits governmental intervention to redress inequalities and to promote social welfare. The talented and productive are subordinated to the interests of the lowest, the indigent and the worst off in society, as a matter of Rawls' conception of justice. However, one can justly ask, by what right?

It is not reasonable to suppose that the negotiators would choose or accept those particular principles and in that particular lexical order. It is doubtful that rational choices can be made under the conditions of ignorance and uncertainty in the 'original position' governed by a 'veil of ignorance'. Rawls does not take cognisance of human nature, its competitive instincts and the tendency to further self-interest.

The second argument is not convincing. Liberal democracy cannot be deduced from some presumably factual assumption of human nature, whether rational, moral, or autonomous. No form of regime follows with necessity from assumptions of human nature. Likewise, some assumption of human nature does not imply any particular kind of political regime. Furthermore, redefining freedom and equality so that they mean more or less the same thing is contrary to the rules of definition, and moreover invites a category mistake. Freedom and equality refer to different things, have different logical status and belong in different categories, and levels of discourse. The nature of the relations of affinity between freedom and equality, and equality and freedom, are analytic and ideological. As mentioned above, deducing liberal democracy from collapsing the distinction between freedom and equality in a new definition is a *non sequitur*. Manipulating and stretching the meanings of concepts so that they are amenable to nearly any kind of usage is not scholarly work. The misuse and abuse of concepts is especially characteristic of socialists, Marxists and egalitarians, particularly radical ones, who are also inclined to present utopian ideals and schemes as accomplished facts. Furthermore, redefining freedom and equality in terms of each other, is one thing and demonstrating affinity between them quite another.

The second set of arguments involving the contention that equality promotes freedom, also has two arguments. The first one asserts that political equality and/or some other kinds of equality promote human autonomy. The second argument takes up the issue of the idealistic principle of equal freedom.

In reality the extension of the franchise in liberal democracies has tended to lead to demands for more equality in other areas of life, but this is not an inevitable progression. Modern liberal democracies may favour a more equal distribution of goods and services. However, kinds of equality are likely to be valued more highly than freedom in social democracies, and the participatory and people's democracies of Continental democratic theory. The notion of persons requiring material resources to render them 'really' free or autonomous is based on some conception of human equality. Some notion of human equality, it must be noted, does not imply any other kind of equality. Resources are produced and owned by persons; they do not exist in



a vacuum. Taking resources from some to redistribute to others to get a more equal distribution of resources entails coercion and governmental intervention. The freedom of some are undermined to further the autonomy of others. It is also contended that economic equality would further the autonomy of individuals. Economic equality, however, is an ideal. It has not been achieved in any society. It can only be a precondition of something like autonomy possibly on paper but not in real life. The idea of economic equality promoting autonomy is utopian; devoid of reality. The possession of material resources or the lack of it is one matter. To assert that possessions or equal possessions further freedom is to confuse freedom with wealth or poverty. The tension between freedom and equality remains.

The principle of equal freedom, moreover, represents an ideal. None of the models of ideal societies point to any convincing strategy to address the tension which inheres in the equal freedom principle. In practice people are not equal and they use their freedom in different ways. People, furthermore, are also not equally free if their freedom is contingent on some condition of material equality or equality of outcome. Stressing either the 'equal' of freedom in equal freedom or the 'freedom' in equal freedom does not resolve the tension between freedom and equality. Furthermore, equality is not a necessary condition of freedom, and freedom is not a necessary condition of equality. The very notion of equality seems to entertain contradictions.

It must be stressed that words have different meanings; they convey ideas and ideas in some way relate to things in reality. Not only must the conventional meaning of words and concepts be respected and taken into account, but it is unfortunate that this is often not the case and concepts are used with imprecision, ambiguity and vagueness, often possibly with the intention to deceive.

The affinity between kinds of freedom and kinds of equality, as presented by the above arguments are logically not convincing. Good reasons and evidence are not provided to support a relation of affinity. The question of the tension between freedom and equality in democratic theory and contexts remain unresolved.

## CHAPTER 7

### CONCLUSION

#### 7.1 INTRODUCTION

The purpose of this study was firstly to critically and systematically analyse the meanings of the contested concepts of democracy, freedom and equality, which included determining whether the categories of freedom and equality are analytic or synthetic empirical in nature; and secondly to examine the kinds of freedom and equality, and the relations between them against the background of some democratic variants of the two broad schools of Anglo American democratic theory and Continental democratic theory. The main focus, however, was on the relations between kinds of freedom and kinds of equality. This entailed examining two broad categories of arguments. The first set of arguments concerned the issue of whether kinds of freedom endanger kinds of equality, and conversely, whether kinds of equality endanger kinds of freedom. These arguments highlight the tension between freedom and equality. The second set of arguments explored the theme of whether kinds of freedom promote kinds of equality, and conversely, whether kinds of equality promote kinds of freedom. These arguments tended to stress the affinity between freedom and equality.

This chapter will present the main findings of the study relating to these contested concepts and the nature of the relations between them, with the emphasis on freedom and equality. This includes the cognitive difference between the categories of freedom and equality, the persisting tension between freedom and equality, and equality and freedom, as well as the purported affinity between them. The definitions of the concepts and the nature of the relations between them *inter alia* entail the possibility of category mistakes, logical, terminological and epistemological difficulties, which will be explored in this chapter. Some suggestions or recommendations for further study relating to these issues will be made.

## 7.2 DEMOCRACY, FREEDOM AND EQUALITY

Democracy, freedom and equality are complex and essentially contested concepts. They have numerous meanings, interpretations and connections, as demonstrated in the forgoing chapters. A survey of the literature on these concepts amply bear this out. Difficulties immediately arise. Thomas (2000:28) provides an example: if “democracy is an essentially contested concept the claim (say) that democracy produces the tyranny of the majority will be controversially true or controversially false no matter how much empirical investigation or critical reflection we do”. Furthermore, whether regimes are considered ‘democratic’ depends on how democracy is defined. For instance, if it is defined to include ideals, then peoples’ democracies might be regarded democratic. In reality, though, they are clearly not democratic and exhibit illiberal tendencies.

As far as the association of freedom with democratic variants is concerned, it was found that a necessary connection does not exist between freedom, whether interpreted negatively or positively, or as autonomy, or self-government in the sense of the majority rule as a decisionmaking mechanism (see further on). Freedom, as mentioned previously, cannot logically be deduced from democracy. It is neither logically entailed by or implicit in the premises of democracy. Furthermore, political equality and the majority principle or rule, which are generally regarded as defining features of democracy are also not necessarily connected to democracy.

In addition, a necessary connection does not exist between liberalism and democracy. The connection between them exhibits tension. Liberalism is associated with limits on political power, whereas democracy concerns the locus of power. Democracy and limited government do not share the same meaning; logically they can occur apart. Furthermore, a necessary connection does not exist between socialism and democracy, and between positive freedom and social democratic variants of Anglo American democratic theory and Continental democratic theory.

Yet freedom and equality are regarded as essential, hence necessary, for the existence of a democratic order. However, it cannot be inferred from conceptual

connections between freedom and democracy, and equality and democracy, that either freedom or equality *will* (own emphasis) exist in a democracy in the real world. Necessity in reality is not implied by meanings or conceptual manipulations.

It must be reiterated that relations or connections cannot as a matter of necessity be posited between logical and empirical categories, or levels of analysis. Conceptual connections between freedom and democracy, and equality and democracy, moreover, do not indicate or mean that either freedom or equality will necessarily exist in reality (also see the gap between theory and practice further on).

The arguments pertaining to the relations between freedom and equality examined in Chapters 5 and 6 are inconclusive. Granted that democratic theories within Anglo American democratic and Continental democratic schools tend to be more prescriptive than descriptive and that concepts are seldom neutral, the arguments demonstrating the tension between freedom and equality, and vice versa, are more aligned to reality than those of Continental democratic theory which are strongly embedded with idealism and ideology. The nature of the relations demonstrating the tension between freedom and equality, and equality and freedom, tend to be analytic and synthetic empirical, whereas the nature of the relation between freedom and equality in the Marxist critique of liberal democracy represents poor logic, a distorted conception of reality and a prior ideological commitment. The nature of the relations purporting to demonstrate the affinity between freedom and equality, and equality and freedom, are ideological and purport to be analytic. The various democratic variants or models of democracy attempt to resolve the tension in varying degrees depending on the model concerned but the tension between freedom and equality remains theoretically and practically unresolved. The non-Marxist and Marxist critiques of liberal democracy are characterised by unwarranted apriori assumptions. The latter particularly exhibits a skewed view of human nature which dispenses with human beings as rational, moral and causal agents who are capable of assuming responsibility for their actions, and employs an untenable economic reductionism and metaphysical determinism, which are contrary to reason and historical evidence. Facts are selectively employed and often interpreted in an ideological manner.

Theoretically and practically, a high premium on the value of freedom is associated with decentralised power and limited government of the liberal democratic model, which tends to result in increasing inequalities. Similarly, a greater emphasis on the value of equality is associated with people's democracies of Continental democratic theory with the emphasis on centralised power and a strong state which may endanger freedom to increase kinds of equality. The centralisation of power can lead to authoritarianism and to totalitarianism which almost completely dispenses with freedom (see O'Neill 2004:18-20, 104,121).

The relation of affinity between freedom and equality is more characteristic of arguments found in Continental democratic theory. Some arguments link freedom and equality so closely that they form a single value, thereby raising the issue of a category mistake, and then deduce liberal democracy from this value. The conclusion, however, does not follow. Others again deduce a form of regime from some factual assumption of human nature, a conclusion which logically also does not follow. Then again the assumption of human equality is used to argue that people require material resources to promote autonomy. Some arguments take the licence of redefining freedom and equality so that they mean the same thing, which is contrary to the rules of definition. They are clearly different things and involve different categories and levels of discourse. As far as the ideal of equal freedom is concerned, if equality becomes part of the freedom equation, the tension between freedom and equality in this instance is theoretically hardly resolved, and the tension remains.

In general, the problem of the relations between freedom and equality, and equality and freedom, and the difficulty of reconciling or balancing freedom and equality in theory, all of which have practical implications, can possibly be ascribed to several aspects: first and foremost, the issue of a category mistake or a confusion of categories, which entails different levels of discourse; and the related logical issues of the gap between theory and practice; and the misuse and abuse of concepts, which also relate to problems of definition. Lastly, some purported empirical or moral considerations of human nature which, if not explicitly stated, are implicit in the literature on democracy, freedom and equality, which people may or may not value in varying degrees. Concepts, despite views to the contrary, relate to reality and have

practical effects and consequences. These issues will be briefly examined. As most of the issues tend to overlap some repetition will unfortunately be unavoidable, but repetition will be kept to a minimum.

### **7.2.1 The problem of freedom and equality, and equality and freedom: confusion of categories and category mistakes**

Democratic literature is characterised by a variety of meanings attributed to the concepts of freedom and equality, which possibly means that they are placed in categories to which they do not belong, thus committing a category mistake. This issue is implicit in the other aspects mentioned directly above. However, it should be pointed out at the outset that it is often not clear whether a category mistake has been made (Baggini & Fosl 2003:74).

Gilbert Ryle, in his work *The concept of mind*, regards the placing of two different kinds of concepts in the same category as a category mistake. Ryle (1988:17-18) cites the following example. A foreigner visits Oxford or Cambridge for the first time and is shown colleges, libraries, science and administrative departments, museums and playing fields, but then asks where the university is. The foreigner had assumed the university is some other institution whereas the university constitutes the way in which all that the foreigner has seen is organised. Ryle (1988:19) further elaborates:

The theoretically interesting category-mistakes are those made by people who are perfectly competent to apply concepts, at least in the situations with which they are familiar, but are still liable in their abstract thinking to allocate those concepts to logical types to which they do not belong.

According to Law (2007:225) a person makes a category mistake “when they mistakenly assume that things in one category can have the characteristics proper only to things in another category”.

Then there are also category disputes. If one party in the dispute has made a category mistake it means a person believes that a concept has been wrongly categorised. In

order to do this a person must demonstrate “why that is the case, otherwise the most you can do is to say you are on one side of a category dispute, not that a genuine mistake has been made” (Baggini & Fosl 2003:74).

In Chapter 3 on freedom it was concluded that freedom is an empirical, substantive concept. Freedom in a political context is negative, freedom from coercion or constraint by others and particularly governments. It is an external freedom and concerns human action. Positive freedom in a weak sense presupposes negative freedom. A person has to be free from something in order to act upon a decision, or to achieve a particular purpose. In a strong sense positive freedom, in the socialist view, requires material resources (see further on). Positive freedom, which is an internal freedom, emphasises autonomy, self-determination and self-government. The democratic deontology, however, identifies freedom with self-government, and not autonomy which is not a political freedom. In reality as far as politics and equal decisionmaking is concerned, it has been shown that people do not govern themselves in any sense. Furthermore, people can be said to rule only during elections, which serve as a link between the rulers and the ruled. However, Rousseau and some models of Continental democratic theory regard autonomy as political freedom. Freedom as autonomy is then connected to democracy. It must be noted here that an internal freedom transcends politics and forms of regime, and has nothing to do with politics. Yet autonomy and self-government are variously and consistently regarded as an external and political freedom. This implies that they are empirical, substantive concepts, and as such they are incorrectly categorised.

It must be stressed once again that political freedom is negative freedom; it concerns action and not (human) will. Sartori (1987:318, 320) correctly states that autonomy is not *the* democratic freedom and it is not political freedom. Furthermore, as mentioned previously, a necessary connection does not exist between democracy and autonomy, and democracy and negative freedom. Positive freedom deals with the issue of “who governs me”, whereas negative freedom deals with the logically distinct matter of “how far does government interfere with me?” (Berlin 1969:130; see Heywood 1994:203). These two freedoms clearly belong in different categories. Negative freedom as an empirical concept concerns empirical discourse, whereas

freedom as autonomy, self-determination and self-government are philosophical freedoms and relate to philosophical discourse.

In Chapter 4 it was argued that equality was a formal and mathematical concept. The formal equality before the law, which is perhaps the least controversial of all kinds of equalities, nevertheless, raises difficult questions in practice. Equality before the law treats like cases alike and different cases differently, but the reasons for treating some differently is sometimes problematic and controversial. Unequal treatment leads to a conflict between freedom and equality (for example, enforced segregation and affirmative action). The outcome of equal treatment conflicts with equality of opportunity, which is also incompatible with equality of outcome. Equal treatment, furthermore, because of natural human differences, leads to unequal outcomes. Equal outcomes, on the other hand, are based on unequal treatment. Equal outcomes then require unequal opportunities. Even if opportunities were equal, or the starting points in life were equal – and these are empirical impossibilities – the results would entail inequality (see Sartori 1987:351). Equal opportunities, furthermore, do not mean equal rewards or equal outcomes.

The notion of equal treatment is derived from some factual or moral assumption of human equality, an assumption which is questionable and dubious (see human nature further on), but equal treatment does not logically follow from such an assumption. In Mises' (1981:65) words: "The fact is that men are endowed differently by nature; thus the demand that all should be equally treated cannot rest on any theory that all are equal". Furthermore, other kinds of equality cannot be deduced from assumptions of human nature. Kinds of equality, moreover, do not imply other kinds of equality and kinds of equality cannot logically be deduced from other kinds of equality. (See Chapter 4.) Attempts to realise kinds of equality in practice, or to give them substance, exacerbates existing inequalities or invites further inequality. In any event, regarding kinds of equality as empirical or substantive concepts in democratic literature possibly entails a category mistake and obfuscates the distinction between the analytical and empirical levels of discourse. Kinds of equality should rather be seen as ideals.



Furthermore, it was found that any attempt by a democratic regime to implement or maintain kinds of equality leads to inequality or to further inequality, which is detrimental to the negative and the weak sense of positive freedom of individuals. There simply is no way where a point of equilibrium can be reached without undermining freedom in unacceptable ways. In Joseph and Sumption's (1979:47) view, the creation of further inequalities and tyranny brought about by the pursuit of equality is "the direct result of contradictions which are inherent in the very concept of equality". Hence, equality of opportunity conflicts with equality of condition (status, prestige and material resources), formal legal equality conflicts with so-called substantive equality, and equality in relation to needs conflicts with equality in relation to merit or desert (Pennock 1979:46). The pursuit of kinds of equality, furthermore, clearly require intervention and coercion. A choice must then be made between freedom and equality (see Joseph and Sumption 1979:47). Along similar lines Dworkin (in Sandel 1984:60) comments: "Unfortunately, liberty and equality often conflict: sometimes the only effective means to promote equality require some limitation of liberty, and sometimes the consequences of promoting liberty are detrimental to equality". The more extensive the power and scope of government to further kinds of equality, the greater the tension between freedom and equality. More demands will be made for all sorts of equality or more of particular kinds of equality (see Pennock 1979:58), but this need not necessarily be the case.

The tensions between kinds of freedom and kinds of equality represent concrete problems which have not been resolved, either in theory or in practice (see the gap between the real and the ideal further on). For Pennock (1979:17) the tensions are inherent in human nature (see further on) and in society. For example, freedom of association conflicts with (enforced) integration, and the freedom to engage in economic activity conflicts with government control and intervention.

However, negative freedom and positive freedom (weak sense) are compatible with equality before the law:

Equality of the general rules of law and conduct, however, is the only kind of equality conducive to liberty and the only equality which we can secure without destroying liberty (Hayek 1976:85).

Political equality, as equal decisionmaking regarding governmental action, need not conflict with freedom as this action in Holden's (1988:38) view can "still be compatible with individual freedom". Problems of freedom, however, can emerge even if the majority do not want more equality. Governmental action desired by the majority might be seen as the unjustifiable erosion of the freedom of a minority. This is a problem peculiar to collective decisionmaking (Holden 1988:38; see Chapters 2 and 5).

The concepts of freedom and equality contain their own internal difficulties and even contradictions. Furthermore, they belong in different categories. Attempts to balance or to reconcile the two to resolve conflicts and tension require inter alia the dubious practice of redefinition, or of conceptually linking the values of freedom and democracy, and equality and democracy so closely together that they tend to have the same meaning and constitute a single value in order to demonstrate the affinity between freedom and equality. This practice also possibly entails a category mistake (also see next section). The issue of the confusion of categories, category mistakes and category disputes require further study with regard to the relation between freedom and equality and vice versa.

### **7.2.2 Terminological issues**

The terminological issues important in the context of this study are equating concepts with each other; extending the meaning of concepts (both were briefly referred to in the above section) and redefining concepts to give them another or the same meaning. These issues also involve the misuse and abuse of concepts, and holds the possibility of the vagueness and ambiguity of concepts.

In Chapter 3 and in section 7.2.1 of this chapter, freedom was variously defined and equated with the absence of want, the Marxist absence of necessity, the rational planning of the economy, the possession of resources, and the possession of some kind of power, say, political and/or economic power. It must be repeated that the

correct political freedom, negative freedom as the absence of constraint or coercion has nothing to do with these things. Freedom cannot logically be equated to or associated with economic issues. They are different things. Freedom cannot be equated with the internal, philosophical freedoms of self-government, self-realisation and autonomy. These are also different things; they are not freedom, but rather self-development which can be seen as a consequence of freedom (see Heywood 1994:205; Joseph and Sumption 1979:48). To place different things in one category and say they refer to the same thing is committing a category mistake.

It is also the case that the more the meaning of equality is extended to include the substantive level in which equalities like social and economic equality, and equality of human condition are then deemed to be substantive, this practice undermines the freedom of individuals, irrespective of the way in which freedom is defined (Pennock 1979:46). A logical gap exists between the real and the ideal, the formal and the substantive, which is difficult to bridge (see next section). The forgoing also relates to the problem of giving a formal concept substance, whether by definition or transformation rules. However, this does not mean that substance is attained or attainable in practice.

Defining both equality and freedom to extend their meaning to represent the democratic ideals invite tensions and logical contradictions. Hence, according to Pennock (1979:45-46) “we get definitions of liberty designed to protect liberty in the future against liberty of the moment. Closely related to this is the conflict between the liberty to act impulsively and the liberty of the self, the rationalized will”.

A further problem, also briefly mentioned above, is the contention that freedom and equality are so closely connected that they form a single value. The distinction between freedom is collapsed and they are “defined in terms of each other” (Holden 1988:35). In other words, the concepts of freedom and equality are redefined to refer to the same thing. It is simply to confuse different things (see Sartori 1962:375). To place two different things in one category amounts to a category mistake. Furthermore, to make two things logically or conceptually alike does nothing to resolve tensions between them in reality. Moreover, in Sartori’s (1962:376) view

equality cannot be identified with freedom. Equality is a condition of freedom. This connection between freedom and equality, however, is rather provisional and precarious.

The practice of defining concepts to extend their meaning and redefining different concepts to have a common meaning is contrary to the rules of stipulative definitions, which are also sometimes called nominal definitions. The rules require the following:

- (a) Stipulate as little as possible; (b) let us not stipulate until we have good reason to believe that the phrase which already covers our designatum is too cumbersome for our purposes; (c) let us not stipulate until we have good reason to believe that there is no name for the thing we wish to name; (d) let us not stipulate different symbols to mean the same thing; (e) let us not stipulate one symbol for two different things (Cranston 1967:27 quoting Robinson 1950:80).

The rules under (d) and (e) are particularly relevant to this study. Two rules for useful stipulation are furthermore enumerated by Cranston (1967:26):

1. All *other* definitions should be repudiated, since the proliferation of different meanings for the same word must increase ambiguity, and thus aggravate the confusion which stipulation was intended to end.
2. A new meaning should not be stipulated for a word if another word has that meaning conventionally.

Scholars and philosophers, it seems, seldom repudiate all other definitions in their works. A primary example is philosophers who define freedom as ‘government by reason’ or ‘rational freedom’. They “use the word as stipulatively defined only in *some* of the cases in which they use it” (Cranston 1967:30). This practice only leads to confusion. The second rule, namely, that a new meaning should not be stipulated for a term if another term (whether defined conventionally or lexically) already had that meaning, is superfluous in the case of those who define freedom as rational freedom. They need not have stipulated a new definition of ‘freedom’ as their doctrine that only the rational aspect of human beings can be free follows from the metaphysical tenet that only the rational element of human beings is real. From this tenet, however, it cannot be deduced that an external or political authority should

enforce freedom (Cranston 1967:30-31). Philosophical definitions of freedom as rational and enforceable rational freedom then do not satisfy the rules of adequate stipulation. While they do not increase clarity “[t]hey may serve to *exploit* ambiguity in order to achieve a certain effect” (Cranston 1967:33).

The same applies to definitions in Marxist orientated texts where the same word is often both given a new meaning whilst in certain contexts still retaining its conventional meaning. The success of the Marxist definition of freedom as ‘the recognition of necessity’ and the enforceable rational definition of freedom is possibly due to the fact that both definitions in practice amount to freedom as compulsion or coercion and “will attract the sort of people for whom the condition of being unconstrained by some external authority is not an agreeable condition; it will attract those who like to be coerced” (Cranston 1967:40). Erich Fromm, for example, in his work *The fear of freedom* (1984) argued that the rise of democracy, while freeing people historically also isolated or alienated them from each other. Freedom, in the sense of being unconstrained, becomes a burden and so people thus threatened by freedom prefer compulsion.

The forgoing definitions demonstrate that they are “semantic tricks that muddy the channels of communication” (Mayo 1960:239). Apart from this, philosophical definitions of freedom in democratic literature to confuse positive, internal freedom with negative, external freedom, collapses the distinction between philosophical and empirical discourse. Treating philosophical freedoms as substantive, empirical freedom, entails a category mistake. Language, furthermore, is used to conceal meaning, to practice self-deceit, as well as to deceive others (Spitz 1965:29). The rules of stipulation obviously aim at eliminating ambiguity and fostering precision and clarity in formulating definitions, whilst discouraging the proliferation of definitions in situations where already existing words may serve the same function (have the same or similar meaning) or purpose. Ignoring the rules or formulating definitions contrary to the rules of sound definition only increase ambiguity, and run the risk of rendering arguments and theories invalid.

Stipulative definitions also have drawbacks. Stipulative or nominal definitions are usually regarded as arbitrary because they are neither true nor false, but merely useful. It is far from clear, however, for what and for whom they are useful, and for what purpose.

A return to conceptual and definitional soberness is perhaps overdue. Real definitions, which can either be true or false, might be considered as an alternative to stipulative definitions. Real definitions define concepts in terms of essential or defining characteristics. An essential or defining characteristic is “a characteristic in the *absence* of which the word would not be applicable to the thing in question” (Hospers 1990:118). Real definitions, however, are epistemologically much more difficult to formulate than nominal definitions, which only select certain characteristics in accordance with the purpose of a particular study.

Agreement generally exists on the etymological meanings of concepts, and it might be fruitful to further investigate the possibility of single agreed-to meanings. The disagreements on the meanings of concepts, namely, that they have changed over time, and the possibility of defining characteristics and necessary conditions overlapping, need not be insurmountable obstacles. Concepts have main meanings and various other or subsidiary meanings. Agreement can be sought on main meanings. Heywood (2000:7), for instance, notes that the disagreement regarding the meaning of democracy “only emerged from the late eighteenth century onwards alongside new forms of ideological thinking”. Agreed-to meanings and real definitions might hold the promise of addressing some of the conceptual and definitional difficulties encountered, but these aspects require further study.

The practice of misusing and abusing concepts, proliferating meanings, ignoring the rules of definition and manipulating language sometimes with the aim to confuse or to mislead is reprehensible and unscholarly. Stove (1991:189) wittily notes:

That philosophers' errors are usually most intimately connected with their abuses of *language*, I not only do not deny but am most anxious to affirm. Far more often than not, their intellectual crimes and their literary ones are inextricably interwoven.

### **7.2.3 The real and the ideal, and the gap between theory and practice**

Throughout this study the point has been made that a discussion about the relations between democracy, freedom and equality, and the tensions between freedom and equality, and vice versa, do not merely concern concepts. Concepts and relations have a bearing on reality and the manner in which social and political processes operate. Furthermore, conceptual analysis is not limited to an intellectual exercise, but concern the analysis of social and political entities and processes. Holden (1988:36) aptly summarises the view “that the logic of concepts works itself out in the social and political world, and conceptual tensions become real-world tensions”. Ideas and their logic influence people, who act upon them. For instance, throughout history thousands upon thousands have died for the ideal of freedom, or opposed an ideology like communism.

Concepts impact on and relate to reality. They have empirical referents, and this presupposes the existence of an independent reality (see 7.3). Human beings produce language to communicate and to describe that reality (see Trigg 1985:190). If human beings were not the source of language, then language gains a status independent of human mind; an entity on its own (Trigg 1985:191), which is a logical and an empirical impossibility. Concepts then play a crucial role in human knowledge; they are the building blocks of knowledge, philosophy and science.

This realistic and common sense view contrasts sharply with the idea that language determines reality. If the latter were the case, “linguistic categories” define any notion of human nature and even thought. Hence, human beings require language to produce thought and different languages will then produce different thoughts. If concepts have no empirical referents and their origin is linguistic, then “there seems to be nothing left beyond language to which we can appeal” (Trigg 1985:187-188).

If it is accepted that concepts relate to reality then it is reasonable and logical to hold the view that theories also relate to practice and reality. In postmodern times both scientific and philosophical theory seems to bear little relation to reality, comprising mainly of sets of agreed to constructs of reality. However, if a theory does not relate

to reality, by what criteria or standard can it be judged as a good or sound theory, bearing in mind that a theory purports to be either a fairly accurate description of reality, or a guideline for human action. In Rand's (1982:17) words:

If one were to accept that notion, it would mean: a. that the activity of man's mind is unrelated to reality; b. that the purpose of thinking is neither to acquire knowledge nor to guide man's actions.

Such a position seems illogical and irrational. The Marxist idea again of linking theory and practice so closely that they form a unity is not borne out by the criticism of liberal democracy and the vision of a utopian society. Facts are either reinterpreted to fit some theory or ideology, or the facts are denied. Furthermore, terms and concepts, as noted above, are reinterpreted, sometimes to mean the same thing or something completely opposite. Ideological thinking "cannot be refuted by logical analysis or empirical evidence" (Burnham 1965:122).

Theory and practice, it must be emphasised, are interdependent (also see Chapter 2, section 2.4). Human beings act according to the ideas and principles that they uphold. Ideas are not separate from action, and thought is necessary for action (Rand 1961:51). Yet sometimes a wide gap exists between theory and practice, and principles and actions. If theory and practice cannot or can never be reconciled, there is an unfortunate tendency to deny theory and principles. It is more realistic to accept inconsistencies without making a standard of imperfection. The imperfect realisation of an ideal does not mean that it should be dismissed as worthless. Discrepancies can be overcome by bringing theory and practice together – by formulating better theory to fit with practice, or by finding ways and means of improving practice. This also applies to political ideals and practice (Hallowell 1954:15-16). The ideal could be defined more realistically, or practice could be improved to approximate the ideal. It is logically futile to resort to the denial of an independent reality. It only begs the question and assumes the existence of that which it then attempts to deny.

A good reason, furthermore, does not exist for scepticism about human action, principles and theories, or if reality does in some way not correspond to the theory, reality rather than theory is faulty (see Holden 1988:97). Conversely, it is also often



argued that “[i]f principles are imperfectly realized in practice then principles are a snare and a delusion” (Hallowell 1954:22). It is also sceptical and counterproductive to argue that the gap between theory and practice, or the descriptive and the prescriptive is permanent. In this instance the focus is on the impossibility, as opposed to the difficulty of changing reality with regard to the relevant aspects. For example, “the nature of voting behaviour ... is seen as a manifestation of the permanent nature of man” (Holden 1988:97). Reality is then beyond change because of some permanent aspect of human nature. However, it is perhaps more likely that political behaviour, for instance, voting behaviour, is a manifestation of human inclination or interest rather than fixed human nature. The point is that the functioning of, say, democracy depends on the behaviour of the people. If people exercise their political power, theory and practice would tend to merge in this case (see Sartori 1962:91).

The gap between the real and the ideal, theory and practice, in the end is not unbridgeable or permanent. The contention to the contrary can perhaps be ascribed to an unrealistic or skewed view of theory and practice, and to expectations that cannot be met.

A more realistic and reasonable attitude, which takes cognisance of the shortcomings and difficulties of reconciling theory and practice, or at least to bring them closer together is necessary and desirable. Because theory falls short of practice and practice falls short of theory does not constitute a reason for scepticism. The aim should rather be to improve both theory and practice, and to let the ideal guide the practice. Theory particularly could be improved by displaying a greater sensitivity to the correct usage of language and the rules of logic, thereby attempting to eliminate the possibility of category mistakes and collapsing or obfuscating the distinctions between different levels of discourse.

#### **7.2.4 Considerations of human nature**

Anglo American democratic theory and Continental democratic theory, and any social or political theory, implicitly or explicitly contain some assumption of human

nature and the meaning of human existence (see Hallowell 1954:89). In fact one cannot study human society and human relations without some idea of human nature (Trigg 1985:205). Yet the trend is to explain human nature and human mind by means of social relations, instead of using “the nature of the human mind” to explain social relations (Duverger 1976:123).

Democratic theory in general incorporate the presumed empirical assumption of the natural equality and/or sometimes the moral equality of human beings (see Chapter 4, section 4.3.2). The natural equality of human beings, however, is not an empirical assumption. Hallowell (1954:81) correctly states: “Individuals are not equal in any empirical sense; and, so long as our thinking is restricted to that which is empirically demonstrable, the phrase ‘all men are created equal’ must appear as nonsense”. Empirical or historical evidence to support the notion of natural human equality simply does not exist. Natural human equality, rather, is a belief, an article of faith, from which, as noted earlier on in this chapter, neither any kind of equality nor any particular form of regime can be deduced.

Human beings differ in all sorts of ways including the physical, genetic and the intellectual. Joseph and Sumption (1979:45) point out that “equality is an absolute concept. Two individuals are not more equal simply because they are less different; they are either equal or unequal”. Hence, in reality those who think a sufficient level of equality has been achieved will be contradicted by those who will identify further inequalities for elimination. If, however, for the sake of the argument people were naturally equal, all sorts of claims for kinds of equality could be made. Claims may vary and even conflict and it would be empirically impossible to satisfy them. It must be borne in mind again that implementing kinds of equality requires coercion, which erodes freedom and leads to further inequalities. Democratic theory, regardless of the stream or school, it seems can only attempt to balance or reconcile freedom theoretically by some conceptual sleight of hand or redefinition, but not in practice. Yet the passion for equality persists and perhaps it will always be a core component of democratic theory.

It is a trite truism that all human beings have a human nature; it is common to all humanity. As mentioned above, notions of human nature and the purpose of human existence are fundamental to social and political theories. Adherence to erroneous notions and assumptions of human nature can have serious consequences in practice. Hallowell (1954:89) explains this point thus:

For what we think government can and ought to do will depend in large part upon what we think about the capacities of men and the purpose of human existence. If our conception of man's essential nature and ultimate destiny is false, i.e., unreal, we may be led to seek and apply political solutions to human and social problems that at best are useless and at worst harmful.

For instance, if one thinks, as some socialists do, that character is mainly the product of the environment in which a person is brought up, then an improvement in the environment will lead to the improvement of human character (Hallowell 1954:90). This view has no basis in fact. Human beings are not the product of their environment, or their society, or historical or cultural context. If a common humanity did not exist “there would be no basic standard to which we could appeal to enable us to understand each other, whether within the confines of our own society or across cultures and societies” (Trigg 2005:27). This does not deny that environmental factors can influence and affect human character to some extent, but human beings have the capacity of choice and can filter out influences that are deemed undesirable.

Ideologies may have different ideas of human nature, but these ideas ultimately have to be subject to the way reality is or operates. If they espouse a wrong conception of human nature it can have undesirable practical consequences. For instance, the implementation of Marxist ideas led to mass murder, great suffering and oppression (Trigg 2005:30-31). Theoretically Marxism failed to take into account the innate selfishness of human beings. The assumption that once capitalism was eliminated people would be “naturally cooperative and unselfish” was not realised in the socialist countries of Eastern Europe (Trigg 2005:31). Contrary to Marxist thought, which is utopian, human nature cannot be changed by coercion, or by class, social, economic and political structures.

Like Marxists, liberals believe that human nature is subject to change. Human nature is flexible with the potential for progressive development. There are no innate obstacles to prevent the achievement of the good society. This is a very optimistic view of human nature. A more realistic view is that human nature is both fixed and has changing characteristics as well. Human nature is imperfectible and limited in the potential for progressive development, and perhaps incapable of realising the good society (Burnham 1965:125). This view is more realistic and more in keeping with the historical record.

Liberals further believe that obstacles are remediable and thus all social problems can be resolved in due course. In contrast, it must be realistically accepted that not all social problems can be solved. There are problems which, strictly speaking, are not problems but permanent features of human existence, for example, poverty (Burnham 1965:126).

The forgoing illustrates the importance of considerations of human nature to political and social theories, and their relation to reality and possible consequences in reality. Because of this, attention should be given to the study of human nature, and the whole of human experience. Democratic theory and social theory after all concern human behaviour and experience, and considerations of human nature cannot be overlooked or ignored as they are fundamental to any theorising about facets of human existence.

### **7.3 CONCLUSION**

The problem of the relation between kinds of freedom and kinds of equality within the context of Anglo American democratic theory, Continental democratic theory and their variants, seems intractable. This chapter explored various avenues in an attempt to come to grips with the nature of the problem. These aspects involved the important issues of category mistakes and the obfuscation of different levels of discourse, and the related aspects of the gap or distance between theory and practice, some terminological issues, and lastly, considerations of human nature. The outcome

was generally inconclusive and all of these aspects, but particularly the problem of category mistakes, require further study in order to shed more light on the problem.

The main findings are briefly summarised. The respective kinds of freedom and equality belong to different cognitive categories and the categorical tension between them, as explicated by Ryle (1988), remains. Furthermore, the tension has theoretically and practically not been resolved. However, as mentioned previously, it can perhaps be resolved theoretically only by misusing and abusing the meanings of concepts, but such a tactic, however, is futile and unscholarly. The distance between theory and practice remains, but can possibly be brought closer together by improving both. Theory, however, would explicitly have to incorporate assumptions and considerations of human nature in a realistic way. Human nature is not as flexible, changeable or malleable as supposed by liberal democratic theory.

Tensions within Anglo American democratic theory and Continental democratic theory, moreover, tend to reflect human tensions because people value different things and pursue different goals, including kinds of freedom and equality. The tensions between freedom and equality can also be ascribed to different views of reality and human nature. Consequently the emphasis on aspects of human nature will differ. Toqueville, for instance, saw equality as a threat to freedom because people will tend to resent the inequalities resulting from the exercise of natural human differences. Rousseau, again, highly valued equality, particularly social equality, as equality is necessary for human respect and the moral freedom required by “the democratic ideal” (Pennock 1979:58).

In contrast with the relatively fixed character of human nature, which cannot be controlled or coerced at will, theoretical and terminological issues are within human control, and as such are subject to correction, change and improvement. This is crucially important as ideas and the language used to express them impact on, and have consequences in reality. To this end, a return to reason and a moderate realism in ontology and epistemology are deemed necessary for the above purpose, and to counter the late modern and postmodern challenge to a cornerstone of liberal democratic thought, namely, human reason and rationality, in the disciplines of

political science, philosophy and theology. It is worth noting that the very methods used by these disciplines to attack human reason depend on the implicit endorsement of the rationality of human beings (see Hallowell 1954:23).

It must be admitted that human beings are not only motivated by reason, but also by other factors like beliefs, values, intuition and emotion. This, however, does not detract from the fact that human beings possess the capacity of reason although they might exercise it in varying degrees. The existence and exercise of human reason is part of the historical record, whereas the assumption of natural human equality has nowhere been empirically demonstrated.

Reason and commonsense, thus, dictate the acceptance of two premises. The first one, referred to above, concerns the rationality of human beings. They are capable of deliberation and agreement. Hallowell (1954:91) spells out the implication of denying this premise. If it is believed that human beings are “incapable of rational deliberation” and “not amenable to argument”, and if discussion leads to more social problems, then “democracy as traditionally conceived is either a fraud or a delusion”.

The second premise relates to human beings living in an ordered, that is, rational universe. Realism about the existence of an external reality is inevitable. A denial of this premise is futile. As Stove (1991:71) succinctly explains:

“An external world exists” follows from “At least one human being exists”, just as it follows from, say, “At least one cabbage exists.” Now, necessarily, no human being could ask, even inwardly, whether an external world exists, unless at least one human being exists. And necessarily, if at least one human being exists then an external world exists. Therefore, necessarily, no human being could ask whether an external world exists, unless an external world does exist ... It is logically impossible that a human being should ask this question, even inwardly, without the answer to it being “yes”. Not only must the answer to it be “yes”: anyone not under some terrible mental infirmity must know that the answer to it is “yes”. If a person’s mind is unimpaired, and he asks whether an external world exists, his question can only be insincere, in the sense that it is not really intended to elicit the information which it appears intended to elicit.

Furthermore, those who reject this premise make any argument for the truthfulness of anything futile as well. Knowledge and truth are things to be discovered. They are not, as mentioned previously, constructs of consciousness, or a matter of consensus,

or relative to a particular context. The idea that consciousness creates or constructs reality in Rand's (1982: 34) words leads to the notion that human nature is "infinitely flexible, malleable, usable and disposable". Knowledge, therefore, is the discovery of things that exist.

Meaningful communication between human beings is also based on the reasoning capacity of human beings; a capacity which is commonly possessed by all. Communication, furthermore, is only possible if the concepts used refer to something in an external, independent reality (see Hallowell 1954: 23).

A full circle has again been reached. The consideration of a return to reason and a moderate realism must be accompanied by a humble attitude which is aware of the limitations of reason, the imperfectability of human nature, and an awareness of that which is reasonably attainable in reality and that which is not. After all, Hallowell (1954: 108) reminds scholars that "[p]olitics is the art of the possible; it is not a science of perfection".

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