

O'Hear on Popper, Criticism and the Open Society

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Abstract. Karl Popper champions an open society in which all institutions, principles and values are open to criticism. Anthony O'Hear contends that Popper's vision is utopian because an open society can survive only if some non-liberal values are assumed, including the prohibition of criticism of fundamental liberal principles and values. I correct O'Hear's interpretation of Popper and I rebut most of his criticisms, arguing that an open society is stronger if it permits criticism of all views. However, I accept and strengthen O'Hear's rejection of Popper's assimilation of an open society to a scientific community. I also suggest that the survival of open societies may require limits on immigration from societies permeated by Islamic fundamentalism or similar cultures of intolerance.

Keywords. Criticism; liberalism; Anthony O'Hear; open society; Karl Popper; tradition.

1. INTRODUCTION

Anthony O'Hear (2009) criticises Karl Popper's vision of the open society as utopian. He says that discussion alone cannot resolve fundamental political differences and that the survival of an open society depends upon acceptance of some non-liberal values, including the prohibition of criticism of the society's fundamental principles and values. These points are brought to the fore, he thinks, by the growth in recent decades of significant groups within Western societies who do not share its assumptions. I criticise O'Hear's exposition and criticism of Popper and I offer some reflections on the issues he raises.

In section 2 I summarise O'Hear's exposition of Popper and I correct a significant misrepresentation. In section 3 I expound five criticisms that O'Hear makes of Popper and I show how three of them are mistaken. I accept and strengthen one criticism while leaving another one open; and I raise a question, prompted by O'Hear's discussion, concerning mass Islamist immigration. In section 4 I conclude.

2. O'HEAR'S EXPOSITION

O'Hear's account of Popper's views is for the most part reasonable, although it contains some errors, one of which is substantial.

In *The Open Society and its Enemies*, says O'Hear, Popper distinguishes between societies which are run by closed

groups which prevent scrutiny of customs, traditions, or the official ideology, and societies in which all involved have both the right and the ability to criticise and improve what is going on. Closed societies fail because the rulers pretend to possess knowledge that they cannot have and, by dictating to the rest and repressing their voices, they silence the main source of genuine knowledge of the operation of a society, namely, the effects of policies and institutions on those on whom they are imposed. In practice most open societies are democracies, not because all democracies are actually open, but because in democracies the ruled are able peacefully to get rid of the rulers (O'Hear 2009, pp. 205-6).

Underlying Popper's conception of the open society are five basic ideas (O'Hear 2009, pp. 206-8):

- i. anyone may criticise and contribute, regardless of race, religion, class or gender;
- ii. each individual is endowed with reason and the consequent freedom and duty to decide for himself what is morally and politically demanded at any time;
- iii. any view may be worth hearing, whatever its provenance;
- iv. the lives of others should never be treated simply as means to an end;
- v. the possibility of error or failure, even in the best regulated and conducted of enquiries or institutions, can never be ruled out.

All policies will have unknown and unintended consequences, so large-scale blueprints for societies should be avoided. Instead of trying to produce happiness for all, we should pursue piecemeal social engineering, that is, the careful identification of manifest ills in society, the formulation of policies to remove those ills, and the monitoring of the effects of the policies, so as to counter their unintended and unwelcome consequences. There will also be a constant attempt on the part of all in an open society to maintain a spirit of openness (O’Hear 2009, pp. 206, 208).

O’Hear says that, in his (1949), Popper moved away from this rationalistic stance when he castigated rationalists for thinking that they have the means to correct and disparage traditions on the basis of pure reason rather than confining their criticisms to cases where actual problems were apparent. Popper said that a liberal society requires a framework of conservative values (O’Hear 2009, p. 211). However, O’Hear seems here to be doubly mistaken. First, in his (1949), Popper maintains that rationalists can and should criticise and try to improve inherited traditions. His point is that criticism presupposes prior traditions, that it cannot begin from nothing; but it can be turned against *any* of the inherited traditions, just not against *all* of them at the same time (1949, pp. 131-32). Second, this was not a change: Popper had made the same points in his *Open Society* with his strictures about ‘canvas cleaning,’ the attempt to abandon all inherited institutions and start from scratch (1945, I, pp. 166-68).

3. O’HEAR’S CRITIQUE

I distinguish five strands in O’Hear’s critique of Popper’s views. I adumbrate and comment on each in turn.

3.1 Ethical Consensus

One of the supposed advantages of an open society is that it enables disputes in society to be resolved peacefully: by discussion and continual monitoring of policies we may get nearer to the truth or obtain better views. However, in science a consensus can be reached because there is fairly general agreement within the scientific community about the aims and methods appropriate to science. But in an open society there is not any general consensus about the aims of human life, or about ethics more generally (O’Hear 2009, p. 208).

O’Hear is mistaken in thinking that agreement on policies requires agreement on the aims of human life or eth-

ics. The aim of any critical discussion, in science or outside of it, is to get better solutions to a problem or a set of problems; and the method employed is conjecture and criticism, that is, considering a range of possible solutions and evaluating the implications of each to enable us to rate the solutions as better or worse. Different branches of science have their own sub-aims and they may have their own peculiar methods. For instance, in the social sciences we try to understand the behaviour of people in social situations and we employ the method of situational analysis (Frederick 2013); whereas in natural science we try to understand the behaviour of matter, for which we propose statements of universal laws which we test against statements of observations; and within particular natural sciences there are more specific methods which are more or less peculiar to those sciences, for example, involving telescopes in astronomy, microscopes in biology, or sonar in plate tectonics. In morals and politics we try to understand what we ought to do, for which we propose general principles or policies which we test against the consequences of acting on them. Some of these principles or policies assume disagreement about the aims of human life. In an open society we will be concerned, amongst other things, to find the best set of laws that allow people to pursue aims of life that they define for themselves. Further, a critical discussion of ethics may be intended to reach agreement on an ethical view rather than presupposing it. Part of the point of Popper’s ‘negative utilitarianism’ was to enable us to compare ethical principles as better or worse according to how much suffering their adoption would cause. So, O’Hear has not succeeded thus far in drawing a contrast between discussions in science and discussions of policy. However, he goes on to develop the point.

3.2 Irresolvable Disagreements

Popper hopes, says O’Hear, to secure consensus on policies by insisting that any acceptable policy be aimed at what otherwise unconnected individuals can agree is the removal of suffering and injustice. But it is often difficult to get agreement on what constitutes suffering or injustice. What some consider the serious oppression of women, others consider to be according women their proper role and status; some think abortion clinics an injustice (to the unborn), others think their absence, and the prevalence of back-street abortions, causes suffering. Even if we all agree that spina bifida is an evil, there will be disagreement over whether it is permissible to abort babies with the condition or to undertake

research on embryos in attempts to find a cure. In such circumstances, policy is not likely to be based on agreement. It is more likely to be based on what the majority will tolerate. Of course, such pragmatism may help to avoid violence or bloodshed, which is not to be dismissed, but it is a different thing from agreement, leaving us quite a long way from getting nearer to the truth or goodness or genuine welfare (O'Hear 2009, pp. 208-9).

O'Hear seems to conflate two different points there. His first point is that it is often difficult to get agreement on what constitutes suffering or injustice. That is true; but *difficult* does not imply *impossible*. Popper intends that agreement on statements about cases of suffering or injustice can be used to evaluate policies, in a way similar to that in which agreement on statements about observations are used to falsify theories in science. It is sometimes difficult in science to get agreement about observations; but such difficulties may be resolved by the further development of theory.

For instance, during the Renaissance there were rival theories about the motions of heavenly bodies. The heliocentric theory maintained that the motion of the sun around the earth was merely relative and that the earth underwent an absolute non-linear motion. The geocentric theory maintained that the sun's non-linear motion was absolute and that the earth's non-linear motion was merely relative to the sun. There was therefore disagreement over some of the observation statements against which the rival theories were tested, with heliocentrists insisting that they observed a merely relative non-linear motion of the sun, and geocentrists maintaining that they observed an absolute non-linear motion of the sun. But after the explanatory and predictive success of Newton's theory, which introduced a new force of gravity and attributed absolute non-linear motions of a body to the action of a net force on that body, the geocentric theory was no longer plausible, and agreement was reached that we observed a merely relative non-linear motion of the sun. The evaluation of Newton's theory as successful depended, of course, on there being some observation statements about relative motions to which agreement was obtained.

So, current disagreement about what constitutes suffering or injustice in cases like abortion need not be permanent. There are other statements about suffering and injustice to which agreement *can* be obtained and those statements may be used in the evaluation of new theories about the human predicament some of which may have implications that persuade some people to revise their current assessment of what constitutes suffering or injustice in cases like abortion.

In the longer term, there need be no insuperable barrier to evaluating rival policies about abortion and such like in view, amongst other things, of their implications for suffering and injustice.

O'Hear's second point, which is independent of the first, is that practical decision-making often cannot wait upon the development of theory, so decisions on policy often have to be made in the face of stark disagreements about the implications for suffering or injustice. In such cases, what decision is made depends not upon which policy is agreed to be best (for none is) but upon majority voting. I think that O'Hear is right to point out that this shows that the analogy between an open society and a scientific community is weaker than Popper thought.

Further, the criticism can be strengthened. In any large society, questions of public policy are decided by a political process which often involves horse-trading between organised groups pursuing their self-interest. Even in a liberal democracy, the policies that are pursued are those that are agreed, not by a majority of the adult population, but by a majority of elected politicians acting under the influence of pressure or incentives from organised interests. Such a process is very unlike the process through which scientists, who are trying to understand the world, may come to a consensus (if they do) about which theory has at the present time best stood up to criticism.

We might attempt to require that policy decisions take account of the implications for suffering and injustice by means of a constitutional provision that prohibits political decisions from conflicting with the currently best social-scientific findings. The aim would be to prevent the government from fulfilling any of the wishes of organised groups, or of the citizens, that run counter to the contemporary deliverances of social science concerning which policies minimise suffering and injustice. That would still be democracy, in that the citizens could vote out a government that appears to be failing; but it would be a constitutional democracy bounded by scientific findings. However, such an arrangement would give substantial power to scientists, who would then be subject to lobbying from organised interests; and, since power corrupts, one would expect that, in such a polity, scientific standards would be degraded, with science being eventually transmogrified into politically expedient, or politically motivated, junk (which some argue has already happened in the case of climate research). This seems to be a *reductio ad absurdum* of Popper's assimilation of an open society to a scientific community. Political pow-

er is inherently irrational from the point of view of socially desirable outcomes (Olson 1965, 1982, 2000).

3.3 Solidarity

O'Hear says that it is utopian to think that a disposition to criticise might on its own be enough to hold a community together. For instance, projects such as the European Union actually loosen the bonds which tie a people together, by eroding the sentiment and prejudice on which a form of life depends. Once these ties are eroded, the liberal and critical community may not have within itself enough self-belief to defend itself effectively against an enemy which believes in something positive and does not feel constrained by the niceties of rational discussion and openness. No doubt part of what we fought for in World War II was the values of tolerance, liberalism, democracy, free speech and the rule of law. But other values, such as patriotism, may also have been crucial to the willingness of people to fight and shed their blood (O'Hear 2009, pp. 209-10).

O'Hear may be right here. It does seem questionable whether a society of critical rationalists could summon the sort of collective unity needed to fight against Nazism without the support of some, perhaps subliminal, atavistic prejudices of a nationalistic or ideological sort. I do not know the answer.

3.4 Undesirable

O'Hear opines that, even if a society which is completely open and relentlessly self-critical is possible, it is doubtful whether it would be desirable; it might be a managerial nightmare of continuous self-scrutiny and endless target setting (O'Hear 2009, p. 210).

That is a very disappointing criticism because it expresses the attitude of the sloth. If we want to improve ourselves and each other, we need to keep scrutinising and criticising and then taking appropriate action in response. It does indeed involve an effort; but a better life can be worth striving for.

3.5 Unquestionable Principles

O'Hear rejects Popper's demand that the institutions, policies and principles of an open society should be open permanently to critical evaluation. Some policies and institutions, he says, form a framework of unquestioned values that must be beyond criticism, such as our basic laws in fa-

vour of free speech or property or against torture. Islamic immigrants to the West see themselves as belonging to political communities defined by their religion, rather than by the nationhood of the societies they are living in. Some of them also have a long-term aim of bringing the places in which they live under Sharia law, and regard the institutions and customs of the West as decadent and infidel. When such radically diverging views are held by significant and vocal minorities, Popperian openness is not sufficient by itself to maintain an open society. In Britain, Muslims protesting the use of freedom of speech to publish cartoons mocking the prophet Mohammed have been imprisoned for speaking freely. Practically restraining those who use their freedoms to undermine freedom might be sensible; but what it shows is that openness can flourish only given agreement among citizens on fundamental liberal values, including openness (O'Hear 2009, pp. 209-13).

It is false that an open society requires an unquestioned framework of values or principles. In actual liberal societies there is often debate about free speech, property and the admissibility of torture; and the laws of these societies evolve partly in response to such debates, in the sort of tentative and piecemeal way that Popper commended. For most of the twentieth century, liberal societies were infested with large and vocal groups of people who subscribed to a political ideology, Marxian socialism, that was opposed to liberal, open societies, and that regarded the institutions and customs of the West as decadent. Many of those people actively pursued the long-term aim of bringing the places in which they lived under a Marxian socialist regime that suppressed freedom and other liberal values. Yet the liberal societies have survived. Marxian socialist ideology, though it still has its advocates, has been defeated by argument, including most importantly the argument from experience: wherever such socialism has been tried it has had bad, often disastrous, outcomes. The defenders of Marxian socialism try to dismiss the refutations by claiming that none of the socialist experiments was 'true socialism,' despite the fact that, until failure became evident, they had championed every one of the experiments (see, for example, Niemietz 2017). But such ad hoc manoeuvres show the Marxian socialists to be either deceivers or self-deceivers. The debates about Marxian socialism presuppose that the principles and values of open societies are held open to criticism, because they require the free discussion of the relative merits of liberal versus rival societies. One of the strengths of a liberal order is that its framework of principles and values is con-

stantly debated and tested in critical argument and stands up better to such treatment than does its rivals.

Liberal societies can also survive the presence of Islamic fundamentalists by remaining open societies, so that the propositions and consequences of Islamic ideology can be criticised and its bad and disastrous outcomes publicised and debated. The Islamists do not need to be expelled or silenced; though they should be imprisoned or punished in some other way if they either act violently or incite violence in a heated context in which acts of violence are very likely to follow immediately. The British imprisonment of Muslims who were expressing their ideology or denouncing the cartoons of Mohammed or proposing that blasphemers be executed (in situations where such expressions were not incitement to immediate violence) was a step away from an open society and toward the sort of society that the fundamentalists advocate. From the point of view of those favouring a liberal order it was a dreadful mistake. The introduction of laws against ‘hate speech’ is a similarly dreadful mistake.

It may be, however, that O’Hear is sensitive to a significant difference between the Marxists and the Islamic fundamentalists that he has not succeeded in articulating. For, although the Marxists held illiberal views that they were disinclined to give up in the light of criticism, they were generally tolerant of contrary views and inclined to use argument rather than force to try to change them. On the whole, they were not so closed-minded as to think it appropriate to use intimidation or violence against people who thought or acted differently. In contrast, in Western Europe today, a large influx of immigrants from countries in which Islamic fundamentalism is dominant has resulted in a relatively large number of people who act, often in groups, to abuse, threaten or physically violate people who do not conform to their restrictive norms, including females who subscribe to Western mores and people who are openly homosexual or transgender, as well as journalists, entertainers, artists, novelists and politicians who represent Islam in a negative way. The criminal law is used against such acts of intimidation or violence; but it is not used effectively when the number of offences is high. That creates a climate of fear in which people decline to use their freedom to act or to express themselves; and that undermines the open society.

In relatively small numbers, people from intolerant cultures can be absorbed into open societies, learn to tolerate the existence of views that differ from their own and even, over time, listen to criticism of their own views and amend them in the light of argument. Indeed, the presence of their

illiberal views and closed-minded behaviours (so long as they fall short of intimidation and violence) can strengthen a liberal society, since they provide opportunities for criticism and learning. However, when such immigrants arrive in large numbers and are clustered together, that can make it difficult, for those of them who want to, to shed their inherited norms, as the people in their immediate vicinity endorse or enforce them. Defence of the open society may therefore require limiting, though not prohibiting, immigration from countries permeated by a culture of intolerance. An open society need not have open borders.¹

4. CONCLUSION

Popper championed the open society in which:

- people are free to use their critical rationality to pursue their own course in life;
- freedom of thought and discussion is maintained;
- governments aim to alleviate suffering rather than to secure happiness;
- public policies are always tentative and subject to critical evaluation and correction;
- the ruled are able peacefully to get rid of the rulers.

O’Hear shares Popper’s admiration for liberal, open societies; but he thinks that the survival of open societies depends upon attachment to some non-liberal values and that Popper made a serious mistake in thinking that an open society could survive if it permitted unfettered criticism. Criticism must, says O’Hear, be kept within bounds: a liberal society can flourish, and maintain itself into the future, only if there is a sense among its citizens that they belong to a political community and that their freedoms derive from membership of that community. That in turn requires that fundamental liberal principles and values are

- agreed by all
- indoctrinated
- not allowed to be criticised.

I argued, against O’Hear and in favour of Popper, that a society that draws bounds to criticism is not an open society and that an open society is stronger, and thus more likely to survive, if it permits unfettered criticism of its fundamental principles and values and of everything else. I conceded that, if an open society comes under violent attack from a foreign power, non-liberal values, such as sol-

identity or patriotism, may be of assistance in mounting a defence; and I suggested that an open society may need to limit immigration from societies which are permeated with a restrictive and intolerant culture. I contended that the inevitable horse-trading between self-interested organised groups that is endemic to politics impugns Popper's analogy between an open society and a scientific community. The greatest threat to the open society comes from the very nature of politics, which encourages organised groups to pursue sectarian interests at the expense of everyone else. I do not think that anyone knows what the solution to that problem is; but maintenance of open criticism is essential for identifying and debating it.

NOTES

- 1 I thank Mark Friedman for discussions of these issues that has enabled me to clarify my views.

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