Was Karl Popper a Civic Republican?

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ABSTRACT*

Karl Popper has hitherto been understood as either a liberal or, at best, as a *sui generis* specimen of socialism. I argue that his political thought bears a remarkable resemblance to what Philip Pettit and Quentin Skinner have dubbed the Italo-Atlantic branch of republicanism. Viewing Popper through a republican lens would reveal that there is a robust and coherent theory behind his attack on the "enemies of the open society". The paper focuses successively on the concept of freedom understood as *nondomination*, on the role of the state and the rule of law, and on democracy. That Popper might be classified "as a republican, in something close to Pettit's sense" has been suggested in passing by Jeremy Shearmur on a handful of occasions. The present article, however, should be the first to focus on the similarities in detail.

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Karl Popper was a civic republican, even though he himself was not aware of the fact. That is, he was a civic republican to the extent that his political theory is remarkably similar to what Philip Pettit and Quentin Skinner have dubbed *the Italo-Atlantic branch of republicanism* – a tradition of European political thought which started in antiquity and has been said to have faded out in the nineteenth century (e.g. Martí and Pettit 2010, 40–8 and 24–6). If I am right, it means not only that important features of this tradition survived for longer in Central Europe than in the West, but also that these features were already applied *democratically* (as opposed to the elitism of the older republicanism), much in the way that Pettit has been applying them since the 1990s.

Indeed, other Central European authors such as the interwar Czechoslovak journalist Ferdinand Peroutka or even Joseph Conrad (originally from Poland) could be quoted to support this hypothesis.[1] The present article, however, focuses solely on the analysis of the republican features in Popper.

Jeremy Shearmur – an expert on Popper's political thought (and, in his youth, also Popper's assistant) – has already been suggesting for some time that "Popper might usefully be viewed as a republican, in something close to Pettit's sense" (Shearmur 2001, 37–8;

1 See especially Peroutka's *Democratic Manifesto*, published in his New York exile in 1959, and Conrad's letter to Bertrand Russell from 23 October 1922 reacting to Russell's political vision for China (now in Russell 2009, 377–8).

Shearmur 2009, note 2; Shearmur 2016, 353). But Shearmur has limited himself to fleeting mentions and, to the best of my knowledge, no one else has yet dealt with the topic.

There have, of course, been works highlighting the idiosyncraticity of Popper's "liberalism". Bryan Magee (1973, 80–1) thought that Popper's political theory provided the best philosophical foundation for democratic socialism. Geoffrey Stokes (1998, 72) argued that it "shares little with the classical liberals" and (2006, 217) that it "departs from liberal minimalism in a number of crucial ways". Stokes (2016) also pointed out the similarities between Popper and Habermas, which include some of the issues in which Pettit cites Habermas as congenial to republicanism (e.g. Pettit 2012, 23, 201; Pettit 2014, 223). Harald Stelzer (2006, 231) praises Popper for "adding some thoughts to the liberal view that enables one to develop a better response to communitarians", while Jeff Kochan (2009, 299) takes this idea even further by calling Popper himself a "liberal communitarian". Malachi H. Hacohen (2016, 47) writes of "socialism *sui generis*" and David Weinstein and Avihu Zakai (2006, 188) even write of "neo-Kantian republicanism". What is most interesting is Donald B. Hutt's (2018, 103) mentioning of Popper alongside Machiavelli as an author who rejects Burkean elitism in favour of a more popular control of government, as well as Rafał Lis' and Christopher Donohue's (2018) suggestion that Popper serves to "breach the gap [sic]" between the philosophy of science and republicanism of Madison and Rousseau.

The present article, however, should be the first to focus in detail on the similarities between Popper and the so-called *Italo-Atlantic branch of republicanism*.

For reasons of space and clarity, I have decided to compare Popper chiefly with Philip Pettit. I consider Pettit the most important among contemporary non-collectivist republicans, and Popper has most in common with him. I therefore refer to the rest of the tradition only insofar as it differs from Pettit. (I *do not* think that Pettit is just another liberal in disguise, and I point out the differences in what follows.)

The article has six sections. The first three provide a summary of Pettit (and Skinner) on the following: freedom as *nondomination*, the role of the state and the *rule of law*, and democracy. The latter three consist of a detailed examination of Popper's views on the same issues, and their comparison with Pettit's, and, occasionally, those of other republicans.

The reader may be surprised by the unusually high number of quotations. This is because the language Popper used is a crucial part of the evidence for his republicanism.

1. "ITALO-ATLANTIC" REPUBLICANISM

1.1. FREEDOM AS NONDOMINATION

We ought to think of freedom not as non-interference, but as non-domination. That is the core message of Philip Pettit's republicanism. The concept of freedom as *nondomination* is best understood from the vivid examples given by Pettit and his fellow-republican Quentin Skinner:

Nora in Ibsen's *Doll's House* is worshipped by her husband Torvald. She can do whatever she wants, spend money on whatever she wants, go wherever she wants. She is perfectly free in the sense of *noninterference*. But she is not free in the sense of *nondomination*, because – as the play takes place in the nineteenth century – her ability to act as she wishes depends almost entirely on her husband's will. Should *he* change his mind about Nora, he can take all her latitude of choice away and there would be nothing she or anyone else could do about it. (e.g. Pettit 2014, xiii–xiv)

In ancient Roman comedies, one finds slave characters who boast that because their master is either benevolent or stupid, they can do whatever they desire, and are, in fact, freer than citizens themselves. The Romans considered this hilarious, since it was obvious for them that the master (*dominus*) can chain or beat his slaves any time he wishes. Unlike citizens, the slaves were not *sui iuris*, "in their own right" or "their own masters"; they were "within the power of another", *in aliena potestate*. (e.g. Skinner 1998, 40–1)

In the republican lexicon, *being dominated* means being *subjected to the will of others*, while freedom as *nondomination* stands for "a condition under which a person is more or less immune, and more or less saliently immune, to interference on an arbitrary basis" (Pettit 2014, xv; Pettit 1997, vii–viii).

That one is to be immune *saliently* is important for obvious reasons: a Roman citizen was protected primarily by the common knowledge that should anyone dare to treat him as a slave, punishment would follow.

Although *nondomination* differs from liberal *noninterference*, it is still a version of what Isiah Berlin (2002, 166–217) labelled *negative freedom*. It does not differ from *noninterference* in the sense that it would dictate any *positive* content. It is essentially non-paternalistic, because it does not prescribe any one way of life – it only provides for everyone to choose her or his own way. (Pettit 2014, 66–7; Martí and Pettit 2010, 154–5) It is thus a *gateway good*: although many may find it desirable in itself, it also serves as an invaluable means of pursuing other goods and values (Pettit 2014, viii, xix).

Pettit also agrees with Berlin when the latter criticises the (originally) Hobbesian notion of freedom and says that for a person to be called free it is not enough if among several doors, only the one which she chooses to enter is unlocked. Pettit, however, takes this to a higher level; not only must all the doors be unlocked, there must also not be a doorman who would be able to decide arbitrarily to lock one of the doors. (Pettit 2014, 39–46)

Finally, *nondomination* is "a dynamic ideal that is always rich in further possibilities of extrapolation and development, not a static ideal that is tied mechanically to a fixed pattern of institutional life". This dynamism allows it to "articulate diverse grievances" with respect to local customs and level of development (it is not a utopic ideal). (Pettit 1997, 146–7; see also Martí and Pettit 2010, 153–4)

1.2. THE STATE AND ITS ROLE, THE LAW AND ITS RULE

For two millennia, *nondomination* was the prevalent notion of freedom in the West, but it was marginalised by the liberal and utilitarian concept of *noninterference* and by the Romantic concept of *self-realisation* – collective or individual. The aim of Pettit's and Skinner's neo-republicanism is to revive the notion of freedom as *nondomination* with all the consequences such a revival would have in the contemporary society which no longer recognises slaves and masters, serfs and lords, or the supremacy of one race over another and of men over women.

Because all individuals are to be protected against the arbitrary will of others, the state is obliged to provide "a public system of social, medical, and judicial security – and a form of financial security – for everyone" (Pettit 2014, xv–xvi, xviii, 87, 105). Without such a protective system, employees can be blackmailed by their employers to do things they would not do were they not risking starvation or the loss of medical care for their children (*Ibid*. and *ibid*., 17–8). Republicanism does not demand *substantive equality* (that is, that everyone would have the same amount of goods) but it does demand *equality in the interactions* of people. If a society is to be perceived as free in the republican sense, it has to pass *the eyeball test*: "people will be adequately resourced and protected in the exercise of their basic liberties to the extent that, absent excessive timidity or the like, they are enabled by the most demanding local standards to look one another in the eye without reason for fear or deference." (*Ibid*., 98–101)

Apart from physical and social security, *the eyeball test* obviously demands something else as well. It demands that this kind of "entrenchment register as a matter of common awareness. Everyone must be aware that you are secured in this way, everyone must be aware that this is a matter of general awareness, and so on" (*Ibid*., 57, 199). This intersubjective recognition would be guaranteed, in the famous phrase of the old republicans, by the "empire of laws and not of men" (Harrington 1992, 8, 20–1; Livy 1919, 218). This, indeed, seems to be the most characteristic theme of the republican tradition. It is the idea behind the concept of the *mixed constitution* from Polybius to the eighteenth-century British thinkers.

1.3. DEMOCRACY AS CONTESTATION

In today's republicanism, the *mixed-constitution* ideal has been replaced by the *separation of powers* combined with a specific concept of democracy. Though it intervenes in people's lives, the government does not dominate "so long as the people affected by the interference share equally in controlling the form that it takes." (Pettit 2014, xx)

In the setting of Ibsen's *Doll's House*, women did not yet have the right to vote. Nora is thus "doubly dominated", as she has neither an exit choice, nor a voice in the nature of her legal condition. "She suffers private domination at the hands of Torvald, and she suffers public domination at the hands of the law."

(Pettit 2016, 10) However, for a government not to dominate, it "requires more than making the state's decisions with a simple majority, since a majority-based system might marginalise some individuals and effectively deny them a share in control". It requires "regular courts and special tribunals as well as ombudsmen, equality commissioners, and other watchdog agencies." (Pettit 2014, 111–2, 124–5)

It is important to distinguish Pettit's and Skinner's republicanism from the republicanism of Rousseauian origin. In sharp contrast to the latter, the former embraces "normative individualism: the view that it is only the interests of individual human beings, not the interests of any agencies or bodies that they create, which should dictate political arrangements" (*Ibid.*, 223). And unlike Rousseauian republicanism, it argues that the reins of ultimate power, in Madison's (2003, 234) image, should not be held in a single pair of hands: not the hands of a single individual, of course, but also not the hands of a single corporate body, such as Rousseau's majoritarian assembly of citizens.

2. KARL POPPER

2.1. FREEDOM AS NONDOMINATION?

Popper is misrepresented in a variety of ways. Because he associated with the Vienna Circle, he has been labelled a positivist – which, quite obviously, he was not (Hacohen 2016, 49–59). Similarly, he has been labelled a right-wing champion of antisocialism because he was a founding member of the Mont Pèlerin Society, made friends with F. A. Hayek, and declared himself "a liberal".

One should not make judgements on the basis of such *prima facie* evidence. At the sixth meeting of the Mont Pèlerin Society (Venice, September 1954), Popper read a paper in which he said that because *any* "irresponsible form of power" is "particularly dangerous from the liberal point of view", the "individual needs the powerful protection of the state" (now in Popper 2002, 467–76). He then proceeded to provide a rationale, which, in fact, cannot really be labelled otherwise than *republican*:

> In order to show the necessity of the state I do not appeal to Hobbes' *homo-homini-lupus* view of man. On the contrary, its necessity can be shown even if we assume that *homo homini felis*, or even that *homo homini angelus* – in other words, even if we assume that, because of their gentleness, or angelic goodness, nobody ever harms anybody else. In such a world there would still be weaker and stronger men, and the weaker ones would have no legal right to be tolerated by the stronger ones, but would owe them gratitude for their being so kind as to tolerate them. Those (whether strong or weak) who think this an unsatisfactory state of affairs, and who think that every person should have a right to live, and that every person should have a legal claim to be protected against the power of the strong, will agree that we need a state that protects the rights of all. (*Ibid.*, 471)

Correspondingly, Popper was never a friend of the "free market". Although, as early as 1927, he concluded that "Kant, not Marx, showed the way to socialism" (Hacohen 2016, 46), he continued to hold Marx in high esteem even when criticising him in *The Open Society*. Arguably, what the Popper of the 1940s admires in Marx is precisely what is republican in him (cf. Pettit 1997, 141–3; Pettit 2014, 18–20; Skinner 1998, note 3). In this vein, Popper writes approvingly that Marx "hated capitalism, not for its accumulation of wealth, but for its oligarchical character; he hated it because in this system wealth means political power in the sense of power over other men" (Popper 2013, 405). He further writes that "under the system of unrestrained capitalism [...] the economically strong is still free to bully one who is economically weak, and to rob him of his freedom [...] for those who possess a surplus of food can force those who are starving into a 'freely' accepted servitude, without using violence". Because of this, the maxim that "[n]obody should be at the *mercy* of others [...] must be applied to the economic realm also".[2]

Weinstein and Zakai (2006, 201–2) use these Marxian passages to criticise Charles Taylor's view (1958, 78) that Popper's theory is an apology for the *negative* concept of liberty. But they are wrong. The passages in question do speak for the *negative* concept, only for a concept that requires the absence, not necessarily of *interference* – the state interferes with people even in protecting them – but of *domination*.

Pace Stelzer (2006), Kochan (2009), and others, I do not think that Popper can be called a *left* liberal either. In fact, it is hard to place him *anywhere* in the liberal camp.

Confronted with the variety of human longings and values, liberals typically adopt one of the following approaches: (a) declaring the values of liberty and private property "natural rights" that trump all other values (Nozick and most other right liberals), (b) declaring a somewhat wider set of values and longings "reasonable", thus denouncing all the other values and longings (Rawls and many other left liberals; also Berlin, whose "pluralistic" set of values is limited), (c) broadening the "natural rights" to include not just liberty, but also e.g. equality, safeguards against material privation, and the like (another large set of left liberals).

Liberals – from Bentham to Berlin to contemporary value-shapers in Marvel Studios – also typically do not see a necessary contradiction between liberty and power. In their lens, a "despot" like "Frederick the Great or [...] Joseph II" can leave "his subjects a wide area of liberty" – wider than "many an earlier or later democracy".[3]

Compare with this, first, Popper's practical and democratic approach,

2 *Ibid*., 332–3. Unless indicated otherwise, the italics are those of the author of the quoted text.

3 Berlin 2002, 176. Or, as Bentham's associate William Paley – very influential in his time – put it: "the edicts of a despotic prince" can provide for liberty better than "the resolution of a popular assembly" (Paley 1825, 166).

which, instead of prescribing what people should value, prescribes policies that are compatible with already "widely accepted moral and political creeds" (Popper 2012, 122). Second, see his firm conviction that "it is dangerous to let oneself be inspired by the wish to make people happy" and that the "benevolent tyrant" is thus even "more dangerous than the malevolent tyrant" (Popper 2012, 125; see also Popper 2002, 465 for a critique of utilitarianism on the same basis). The second feature is rather obviously republican; as for the first, it often might not be present in the writings of historical republican authors, but Philip Pettit is quite clear that he does not want to dictate any positive values to people (Pettit 2014, 71, 165).

Most importantly, though, unlike liberals, Popper was aware of the connection between freedom and power. In a very republican spirit, he calls for the science of "the logic of anti-power politics, i.e. the *logic of freedom*" (which, according to him, "is hardly understood yet") (Popper 2013, 636). Probably on this basis, he also draws a link between liberty, equality, and security (*ibid.*, 86), which is simply "striking" for some of the more liberal commentators on him (Hayes 2009, 72). Of these three, however, freedom underlines the other two – it is, in Pettit's term, a *gateway good*:

> We must plan for freedom, and not only for security, if for no other reason than that only freedom can make security secure. [...] And if freedom is lost, everything is lost, including 'planning'. For why should plans for the welfare of the people be carried out if the people have no power to enforce them? (Popper 2013, 398 and 338)

Freedom is a *gateway good* not only for equality and security, but for most of the other values as well (cf. Popper 2012, 336). As already mentioned, Popper regards any attempt to make all people (or *a* people) happy to be extremely dangerous. On this basis, he condemns utilitarianism as well as socialism and liberalism as utopian. In his eyes, people simply differ too much in what they regard as happiness and there is no rational way to tell which happiness has priority. However, people often easily agree on what they find unacceptable. And this can often (though not always) be formulated in terms of freedom. (Popper 2012, 118–31; Popper 2002, 452–466; Shearmur 2016, 360; Weinstein and Zakai 2006, 203)

To be sure, Popper became less radical in his politics with time. Afraid of what he saw as persisting *historicism* in socialist theories and repelled by the growing power of bureaucrats (not only in the Eastern Bloc, but also in the West), he gradually moved nearer to classical liberalism (cf. esp. Popper in Schilpp 1974, 1162 and Popper 2012, 241). He also came, as Shearmur (2001, 37) puts it, "to the conclusion that liberty and equality were not, in fact, compatible, [...] in the face of this favouring liberty". Still, "he maintained consistently into his old age" the view that people have to be protected from *laissez-faire* approaches, as in his eyes, such a protection was a protection of the "freedom of the individual from

economic exploitation" (*Ibid*.; see also Shearmur 2016, 356–7).

From time to time Popper comes awfully close to the distinction between *noninterference* and his own view on liberty. Of his proposed theory of *protectionism*,[4] he writes that "though liberal, it has nothing to do with the *policy of strict non-intervention*" (2013, 106). The reason he gives for this is even more stunning:

> ... the alleged clash between freedom and security, that is, a security guaranteed by the state, turns out to be a chimera. For there is no freedom if it is not secured by the state; and conversely, only a state which is controlled by free citizens can offer them any reasonable security at all. (*Ibid*.)

But perhaps the most striking example appears three pages earlier in a conjunction of two sentences, which suggests that *freedom*, or at least the *protection of freedom*, involves *not living at the mercy of another*:

> I demand protection for my own freedom and for other people's. I do not wish to live at the mercy of anybody who has the larger fists or the bigger guns. (Popper, 2013, 103; see also Popper 2012, 62–71, 67)

To be sure, Popper often also uses the term *freedom* in the sense of non-interference. He obviously does not precede Pettit in realising that non-domination is something distinct from non-interference and in conceptualising it thus. Nevertheless, Popper's theory often *treats* freedom in a way very similar to the republican tradition. And even when it does not, the outcome is still quite "republican":

> What do we really mean when we speak of 'Justice'? [...] I think that most of us, especially those whose general outlook is humanitarian, mean something like this: (*a*) an equal distribution of the burden of citizenship, i.e. of those limitations of freedom which are necessary in social life; (*b*) equal treatment of the citizens before the law, provided, of course, that (*c*) the laws show neither favour nor disfavour towards individual citizens or groups or classes; (*d*) impartiality of the courts of justice; and (*e*) an equal share in the advantages (and not only in the burden) which membership of the state may offer to its citizens. (Popper 2013, 86)

With these points established, it is time to move to the role Popper prescribes for the state.

2.2. THE STATE AND ITS ROLE, THE LAW AND ITS RULE

As Shearmur (1996, 102) summarises it, according to Popper, "the role of the state should be the protection of the liberty of citizens – including liberty from economic exploitation – and the relief of avoidable suffering", while the "latter is to be understood in fairly generous terms – including the provision of access to higher education, and the remedying of injustice".

4 See the next section.

Popper called this *protectionism*. It is a view on the role of the state derived from his (republican-like) concept of freedom, or, as Shearmur (1996, 103) puts it, it is "a concern for the liberty of the individual, widely interpreted".

Popper (2013, 106) writes that "any kind of freedom is clearly impossible unless it is guaranteed by the state". Then he goes on:

> A certain amount of state control in education, for instance, is necessary, if the young are to be protected from a neglect which would make them unable to defend their freedom, and the state should see that all educational facilities are available to everybody. (*Ibid*.)

But *quis custodiet ipsos custodes?* If the state's control over education is itself uncontrolled, writes Popper (*ibid*.), education might easily become indoctrination which defies freedom. Popper concludes with the markedly republican passage quoted already in the previous section: "there is no freedom if it is not secured by the state; and conversely, only a state which is controlled by free citizens can offer them any reasonable security at all". (*Ibid*.)

Both Pettit (1997, 101) and Popper (2013, 106–7) reject all attempts to theorise about the essence or quasi-eschatological purpose of the state. As the latter puts it, instead of asking "How did the state originate, and what is the origin of political obligation? We should rather put our question in this way: What do we demand from a state?" (Popper 2013, 104)

Popper realises that various people may have various answers to this question. But, like Pettit (1997, 130–47), he hopes to persuade most of them that there exists a certain minimal demand everybody should be willing to adopt. Part of it has already been quoted; it is the demand for a state where no one would "live at the mercy of anybody who has the larger fists or the bigger guns". But Popper goes further:

> Once the socialist contention is admitted that one who is economically stronger may bully and blackmail another who is economically weaker, just as if he were using physical intimidation, the liberal is bound to admit that the prevention of such things is a legitimate function of the state. (Popper 2012, 126)

This is one reason why Popper described himself not as *a socialist* but as *a liberal*, but it is not the only one. Most of the socialists he knew (especially during his youth in Vienna) were Marxists, and as such, they believed that they had understood the course of the history. As Hacohen (2016, 47) vividly describes, there were two moral reasons why Popper could not stand the Marxists' *historicist* hubris: on one hand, they were willing to sacrifice their very real contemporaries for a conjectured future; on the other, "their constant effort to interpret and predict the course of history, rather than change it, encouraged the workers' passivity and discouraged serious anti-fascist resistance".

It is, though, perhaps not mentioned often enough that beneath Popper's famous attack on *historicism* there is also a fundamental difference between his and Marx's notions of power. For Marx, Popper writes, "the real power lies in the evolution of machinery; next in importance is the system of economic class-relationships; and the least important influence is that of politics". According to Popper, the "direct opposite" is true. It is the political power which is fundamental (for "it is only the active intervention of the state – the protection of property by laws backed by physical sanctions – which makes of wealth a potential source of power"). (Popper, 2013, 334–6; see also Popper 2012, 227)

And because political power is fundamental, it is possible to "make laws to limit exploitation" as well as to "insure the workers (or better still, all citizens) against disability, unemployment, and old age" (Popper 2013, 334). Economic power is not "the root of all evil"; "*any* form of uncontrolled power" is evil:

> Money as such is not particularly dangerous. It becomes dangerous only if it can buy power, either directly, or by enslaving the economically weak who must sell themselves in order to live. (Popper 2013, 336–7)

How wide, then, shall the area of *protectionism* be? The answer is: quite wide, even in Popper's more conservative later years. In 1972, he said in an interview that one of the two key features of an open society is "institutions [...] for the protection of freedom and the protection of the poor and the weak" (the other feature being "free debate and especially debate about the wisdom or otherwise of governmental decisions") (Popper 2012, 275–87, 277). Perhaps his strongest argument against *laissez-faire* comes from *The Open Society*, though:

> ... the idea of a free market is paradoxical. If the state does not interfere, then other semi-political organisations such as monopolies, trusts, unions, etc., may interfere, reducing the freedom of the market to a fiction. (Popper 2013, 712)

"On the other hand," however, USSR-style wholescale control of the economy is equally paradoxical, since "without a carefully protected free market, the whole economic system must cease to serve its only rational purpose, that is, to *satisfy the demands of the consumer*" (*Ibid*.).

Popper was famously sceptical of all utopian plans (be they communist, socialist, or liberal). It is important to stress, though, that he did "not criticise the ideal by claiming that an ideal can never be realised". What he criticised as utopian was "the reconstruction of society as a whole, i.e. very sweeping changes whose practical consequences are hard to calculate, owing to our limited experiences". (Popper 2013, 151)

Popper's famous attack on utopianism was not meant to discourage us from attempts to change the social world. Its aim was to force us to focus on concrete "social evils, that is to say, [...] social conditions under which many men are suffering". This is preferable for even piecemeal

attempts to maximise happiness, because unlike happiness, suffering is usually indisputable: "Those who suffer can judge for themselves, and the others can hardly deny that they would not like to change places." (*Ibid.*, 149) Suffering is, however, to be understood rather broadly, since among Popper's examples of its relief we find "health and unemployed insurance, for instance, or arbitration courts, or anti-depression budgeting, or educational reform" (*Ibid.*).

Like Pettit (2014, 66–7; Martí and Pettit 2010, 154–5), Popper was of the opinion that, as Shearmur (2001, 40) puts it, "promotion of others' positive well-being [is] a matter for individual private initiative – not least because one could always stop being friends with someone who would not take no for an answer, while it was a lot harder to do this to government". The state's role consists solely of eliminating suffering – including the suffering of living at the mercy of another.[5]

At one point in *The Open Society*, Popper writes: "State intervention should be limited to what is really necessary for the protection of freedom" (Popper 2013, 338). Given what I have written so far about the extent of his *protectionism*, this sentence does not really make sense unless one takes Popper as understanding freedom as something similar to the republican *nondomination*.

5 For Pettit's critique of utopianisms (including those of Rawls and the luck-egalitarians) and his arguments for piecemeal reforms (both very much Popper-like) see Pettit 1997, 124, 146–7; Martí and Pettit 2010, 151, 155–7; Pettit 2012, 126, 203; Pettit 2014, 107–8.

Indeed, Shearmur was understandably puzzled in 1996 when he wrote *The Political Thought of Karl Popper*. He also saw, then, a contradiction between Popper's *protectionism* and his Kantian stress on the autonomy of each individual; if based on the latter, some of the obvious duties connected with *protectionism* seemed to Shearmur "certainly not to be morally obligatory" (Shearmur 1996, 104).

As with freedom, however, this contradiction disappears if one looks at the issue through a republican lens: There are no such things as independently existing rights – they only exist via a state. And since the desired right is freedom as *nondomination* (or "liberty of the individual, widely interpreted"), the individual is required to participate in the endeavour of securing it for everyone. Now, it seems plausible to say that Kantian autonomy in Popper's eyes is equal to something similar to *nondomination*. If it is relegated to being no more than an empty phrase, it has to be entrenched by the state and demanding of obligations on the side of citizens (Q.E.D.).

Indeed, it seems that Shearmur himself has since arrived at a similar explanation. When he discusses Popper's *protectionism* in Shearmur 2016 (361), he briefly mentions John Stuart Mill's *Subjection of Women* and Jeremy Waldron (1993) on the concept of autonomy in the republican tradition.

Moving to the *rule-of-law* topic, Popper insists on the importance of having an "institutional 'legal framework'". As he says, it brings "order and rational predictability into the social world in

which we live". (Popper 2002, 175–6) It is, of course, also a necessary condition for justice, understood as

> (*a*) an equal distribution of the burden of citizenship, i.e. of those limitations of freedom which are necessary in social life; (*b*) equal treatment of the citizens before the law, provided, of course, that (*c*) the laws show neither favour nor disfavour towards individual citizens or groups or classes; (*d*) impartiality of the courts of justice; and (*e*) an equal share in the advantages (and not only in the burden) which membership of the state may offer to its citizens. (Popper 2013, 86)

Popper sees a "fundamental difference between the two types of legislation, viz. the one that establishes general rules of conduct, and the one that gives the government discretionary powers" (Popper 2013, 694). One of the passages which he found most abhorrent in Plato is *The Statesman*, 293c–e, where it is said that good statesmen are good statesmen "[w]hether they happen to rule by law or without law, over willing or unwilling subjects" – since, as Stelzer (2006, 236) puts it, "Popper takes it as an anthropological fact that human beings are susceptible to corruption by power".

For Popper, the "fight against tyranny" equals the attempt to safeguard humanitarian and egalitarian principles "by the institutional means of a legislation rather than by the benevolence of persons in power" (Popper 2013, 548–9). What is paramount for the preservation of freedom, he says, is to design "institutions for preventing even bad rulers from doing too much damage", which is to say to "guard against [...] arbitrariness" and "discretionary powers". Thus, for example, a "law establishing that a citizen's misuse of his property should be punished by its forfeiture will be incomparably less dangerous than one which gives the rulers, or the servants of the state, discretionary powers of requisitioning a citizen's property". The main reason why the first of these methods is preferable is that there can be "democratic control" over it. Furthermore, only the first method "makes it possible to make adjustments in the light of discussion and experience". And, finally, when the "legal framework [...] is altered, allowances can be made, during a transitional period, for those individuals who have laid their plans in the expectation of its constancy". (Popper 2013, 339–40; see Pettit 2019 for the very same argument, albeit used in a more specific context.)

"The use of discretionary powers," on the other hand,

> is liable to grow quickly, once it has become an accepted method, since adjustments will be necessary, and adjustments to discretionary short-term decisions can hardly be carried out by institutional means. This tendency must greatly increase the irrationality of the system, creating in many the impression that there are hidden powers behind the scenes, and making them susceptible to the conspiracy theory of society with all its consequences – heresy hunts,

> national, social, and class hostility. (*Ibid.*, 340–1)[6]

Popper is aware that defending the rule of law might often seem like defending the *status quo*.[7] But that is not what he wishes for. What he says is "that the *status quo* should not be changed by violent means, but only according to law, by compromise or arbitration, except where there is no legal procedure for its revision" (Popper 2013, 105). This necessarily brings us to the topic of democracy and contestation.

2.3. DEMOCRACY AND CONTESTATION

Democracy is crucial for freedom, as Popper claims, because the very "question of the limitations of freedom" has to be open for public discussion – "without the stimulus of political problems and political struggles of this kind, the citizens' readiness to fight for their freedom would soon disappear, and with it, their freedom" (*Ibid.*, 106).

However, democracy is *not* an end in itself, only a means (essential, as it is) for freedom. "In fact, all that can be said for democracy is that we know of no better form of government to safeguard freedom" (Popper 2012, 240–2).

In this regard, Popper is at odds with communitarian republicans such as Michael Sandel or Charles Taylor (for whom democracy *is* an end in itself). But he is in perfect accordance with Philip Pettit (1997, 8; 2014, 145) and with Quentin Skinner's (1998, esp. 31–6, 54, 67) narrative of the older republican tradition.

The same, I believe, can be said about what Popper found objectionable in "the totalitarian, the monolithic, the closed society":

> The citizen exists, and is used, for the benefit of the state; and the welfare of the state and its power serves as a justification for every act of violence. Any criticism is treated not merely as treason, but as sacrilege. The leader is worshipped as a demi-god. He is almighty or very nearly so, and all power flows from his will to his henchmen, who have to prove their worth by flattery, submission, and by being more ruthless than even the demi-god himself in the persecution of the dissident, the suspect, the lukewarm, and the scapegoats.
> The secret police are there not so much to discover plots against the government, as to prevent people from daring even to think of opposing it. Their task is to extract usually fictitious confessions or denunciations, thus making people distrust one another. Nobody can be sure that he won't be denounced, arrested, questioned, tortured, imprisoned, deported. (Popper 2012, 244)

Even an autocracy, though, cannot escape one basic principle: "*All long-term politics are institutional*. [...] The principle

6 In nowadays republicanism, *discretionary* is employed as a term that is interchangeable with *arbitrary* (though less common) – see e.g. Pettit 1997, 186 or Pettit 2014, 117, 217–8.

7 This point, after all, is made not only by Marx but also by Tocqueville (1991, part 2, chap. 8), and Popper had read them both – cf. Popper 2013, 149.

of leadership does not replace institutional problems by problems of personnel, it only creates new institutional problems [such as] *the task of selecting the future leaders*." It is therefore "a mistake" to think that the opposition between democracy and autocracy "corresponds to that between institutionalism and personalism". (Popper 2013, 119–20)

Just as autocracy cannot (in the long run at least) do without institutions, democracy cannot be wholly impersonal. It will, for example, "work fairly well in a society which values freedom and tolerance, but not in a society which does not understand these values". It "may help to preserve freedom, but it can never *create* freedom if the individual citizen does not care for it". (Popper 2012, 243) In general:

> "Institutions are like fortresses. They must be well designed *and* manned." (Popper 2013, 120)

A political theorist must thus face two important problems. On the one hand, there is the question of how to "give a superior chance to those persons (if there are any) who intend to use the institutions for their 'proper' social purpose" (Popper 2002, 179). On the other hand, there is the "most fundamental problem of all politics: the control of the controller, of the dangerous accumulation of power represented in the state" (Popper 2013, 337).

One of the main reasons why Popper criticised Marxists was that they "never realised the full significance of democracy as the only known means to achieve this control [of the controller]. [...] They did not realise that *all* power, and political power at least as much as economic power, is dangerous. Thus they retained their formula of the dictatorship of the proletariat." (*Ibid*., 337–8)

In Popper's story, Marx was motivated by the most noble idea – the idea of universal freedom (including freedom from economic domination) – but he was deluded by Hegel in two important ways. One was already mentioned: the belief that he can understand and predict the course of history (what Popper called *historicism*). The other is what Popper called "the *theory of (unchecked) sovereignty*". It is an assumption "that he who has the power can, very nearly, do what he wills, and especially that he can strengthen his power, and thereby approximate it further to an unlimited or unchecked power". (Popper 2013, 115) But this theory, says Popper, is both wrongheaded and undesirable.

It is wrongheaded, because, in reality, no power is ever absolute or totally unrestrained:

> So long as one man cannot accumulate enough physical power in his hands to dominate all others, just so long must he depend upon his helpers. Even the most powerful tyrant depends upon his secret police, his henchmen and his hangmen. This dependence means that his power, great as it may be, is not unchecked, and that he has to make concessions, playing one group off against another. (*Ibid*., 116)

But does this mean that there is, in fact, no difference between democracy

and autocracy? That because a tyrant must rely on a large number of people to keep himself in power, he is restricted in the same way as the government of a democratic state? Of course, it does not.

> For even if the tyrant is forced to bribe a certain section of the population, to grant them economic or other advantages, this does not mean that he is forced *by this section*, or that this section has the power to claim and to enforce these advantages as their right. If there are no *institutions* in existence enabling that section to enforce its influence, the tyrant may withdraw the benefits enjoyed by this section and seek support from another one. (*Ibid*., 706)

This is why *the theory of (unchecked) sovereignty* is undesirable. A dictatorship of any kind cannot safeguard freedom, be it the dictatorship of the proletariat or of Plato's philosophers: in the so-called republic of Plato, Popper says, the "control of the master class, its arbitrary powers, and its fierceness, through the opposing force of the ruled, is out of the question, for the superiority of the master class must remain unchallenged". (*Ibid*., 50)

It is very interesting that when discussing *the theory of (unchecked) sovereignty*, Popper (2013, 115) mentions two authors apart from Plato, Hegel, and Marx. He mentions Jean Bodin, the archenemy of republicans of old (Pettit 2012, 189–90, 220–5; Pettit 2014, 12, 154, 219), and he mentions Jean-Jacques Rousseau, who, according to Pettit, is to blame for twisting the original *nondomination*-oriented republicanism into the *general-will*-oriented theory leaning towards totalitarianism. (Pettit 2014, 11–3, 132–3, 147, and especially Pettit 2013) In fact, Popper (2013, 561) believed that "Rousseau was greatly influenced by Plato".

In Popper's view, "Democracy cannot be fully characterized as the rule of the majority, although the institution of general elections is most important." The reason is rather trivial: "The majority of those who are less than 6 ft. high may decide that the minority of those over 6ft. shall pay all taxes." (Popper 2013, 368)

Democracy, first and foremost, requires "institutions for the protection of the individual from the benevolence of tyrants" (*Ibid.*, 707). It is thus necessary "to replace the question: *Who should rule?* by the new question: *How can we so organise political institutions that bad or incompetent rulers can be prevented from doing too much damage?*" (*Ibid*., 115).

Popper saw the replacement of the core question as his main contribution to political philosophy (Hayes 2009, 73). Almost all his practical political proposals are, in fact, attempts to answers the new problem as he formulated it (Shearmur 2016, 364). He believed that even "progress towards more equality can be safeguarded only by the institutional control of power" (Popper 2013, 370).

He also believed that the control of the rulers is best achieved "by balancing their powers against other powers", which would make "anti-democratic experiments too costly" (*ibid*., 116, 371) – "a kind of political tight-rope performance"

(Popper 2012, 241) which he often called *checks and balances* (e.g. *ibid.* or Popper 2013, 116, 120, 369). Despite the term, though, I do not think that he had in mind the American system of *strong separation of powers*. He is certainly not guilty of what Bruce Ackerman (2000) calls *the Madisonian hope* (that politicians would avoid causing deadlocks). According to Lis and Donohue (2018, 82), he even thought that if the system "causes stagnation or strife" it is "an error" requiring an "adjust[ment]". Indeed, Popper's 1988 article for *The Economist* seems to suggest that what he had in mind when speaking about the "checks and balances" was rather post-1688 Britain, in which "Royal legitimacy was no longer a reliable principle, nor was the rule of the people", the citizens "became dubious about abstract principles; and the Platonic problem 'Who should rule?' was no longer seriously raised" (in Popper 2012, 360–9, 362–3).

How can a system where *the people* are not guaranteed rule be called *democracy*? The answer relies upon a distinction between the *rule of the people* and *rule on the people's terms* under which the (ordinary) people would be guaranteed enough power to *contest* the decisions of the government. I am referring, of course, to the title of Philip Pettit's book (2012), but I am of the opinion that Popper had something similar in mind when thinking about democracy. In fact, he pre-dates Josiah Ober with the theory that *democracy* in the fifth century B.C. meant not that *the people* had a *monopoly* on the government, but that ordinary people were *enabled* to participate in government.[8] *The people*, or rather (in a more Popperian fashion) ordinary citizens, thus become the most important of the powers which are to balance one another. Indeed, he writes of the "*system of checks and balances*, which is also called 'Democracy'" (Popper 2012, 241) and says again that "... the one really important thing about democracy, [is] that it checks and balances power" (Popper 2013, 369). His realistic political ideal is thus very much akin to that of the great republican thinker Machiavelli, as expressed in the *Discourses on Livy*. (In this regard Popper is much more like Machiavelli, or indeed Pettit, for whom *the people* is the most important of the balancing powers, than like Aristotle, Polybius, or many seventeenth- and eighteenth-century republicans, for whom it is simply one of the components of their *mixed constitution* ideals – one of rather dubious importance and even more dubious capability to decide.)

Again, Popper says, the balance of powers is something that Marx and his followers did not understand.[9] Through their teaching of inevitable class oppression (basically asking "who should be the tyrants? The capitalists or the workers?"), the "Marxist parties [are] *making the workers suspicious of democracy*" and thus simultaneously undermine "the

8 To be sure, Ober provides much more convincing evidence for this theory than Popper does. See e.g. his analysis of the suffixes *-arche* and *-kratos* in Ober, 2008.

9 Here I am deliberately going against the quite Marxian interpretation of Machiavelli presented by J. P. McCormick (2001), which I consider to be refuted esp. by Machiavelli 2003, book I, chap. 37.

most important potential means of bettering the lot of the economically weak" and pose "the greatest potential danger to human freedom" (Popper 2012, 245 and Popper 2013, 369 and 335).

Marxists' ado about "the possibility of buying votes" is a product of their misguided view that economic power is fundamental. In fact, says Popper, once we have achieved what Marxists call "mere formal freedom", that is, democracy, "we can control vote-buying in every form. There are laws to limit the expenditure on electioneering, and it rests entirely with us to see that much more stringent laws of this kind are introduced" (Popper 2013, 337). In general,

> 'mere formal freedom', i.e. democracy, the right of the people to judge and to dismiss their government, is the only known device by which we can try to protect ourselves against the misuse of political power; it is the control of the rulers by the ruled. And since political power can control economic power, political democracy is also the only means for the control of economic power by the ruled. Without democratic control, there can be no earthly reason why any government should not use its political and economic power for purposes very different from the protection of the freedom of its citizens. (*Ibid.*, 335)

Furthermore, Popper stresses that democratic control would be desirable *even if men were angels*, because without it the weak would live at the mercy of the strong. This is most clearly expressed in the passage from the 1954 Mont-Pèlerin paper quoted in the first section. But already in *The Open Society*, Popper cites to a similar effect Mill's *Subjection of Women* and the "excellent passage of his *Representative Government* (1861; see especially p. 49) where Mill combats the Platonic ideal of the philosopher king because, *especially if his rule should be a benevolent one*, it will involve the 'abdication' of the ordinary citizen's will, and ability, to judge a policy" (Popper 2013, 580). *The Subjection of Women* is also mentioned by Pettit as a late example of republican thinking in the already-liberal era (Pettit 1997, 139; see also Pettit 2014, 22).

But Popper, even in *The Open Society*, does not stop at quoting. For his own part, he writes that

> the acceptance of even a bad policy in a democracy (as long as we can work for a peaceful change) is preferable to the submission to a tyranny, however wise or benevolent. Seen in this light, the theory of democracy is not based upon the principle that the majority should rule; rather, the various equalitarian methods of democratic control, such as general elections and representative government, are to be considered as no more than well-tried and, in the presence of a widespread traditional distrust of tyranny, reasonably effective institutional safeguards against tyranny, always open to improvement, and even providing methods for their own improvement. (Popper 2013, 119)

I would argue that Philip Pettit's model of democracy is basically the

same. In *Just Freedom*, he writes that democracy equals people "enjoying freedom as non-domination in their relationships with their state", and that such a non-domination "requires more than making the state's decisions with a simple majority, since a majority-based system might marginalise some individuals and effectively deny them a share in control". What it demands is "control by the citizenry", which, apart from elections, consists of a system of separation of powers and of various institutions such as a public broadcaster, an ombudsman, or a bureau of statistics, which are made effectively independent of the government. (Pettit 2014, xxv, 98, 111–4, 124–7, 147)

In *Political Philosophy in Public Life*, Pettit even explicitly writes that

> The fact that those in government are controlled effectively and equally by the people does not entail that they are elected; nor does the fact that they are elected mean that they are popularly controlled. That certain officials are appointed by elected authorities, for example, or even that they inherit office, as in the case of the constitutional monarch, does not mean that they are uncontrolled; they may be subject to checks and balances that put them under an effective popular discipline and may count as authorised representatives of the people [...]. And, on the other side, the fact that certain authorities are elected does not guarantee that they are subject to popular control. Let someone not care about being reelected, and the fact that they came to office via election may have no controlling effect on their actions. This has always been recognised in mainstream republicanism, as when James Madison (1987) [...] warned against the problem of an "elective despotism". (In Martí and Pettit 2010, 60)

Perhaps the most "Popperian" of Pettit's texts, though, is his article on Brexit in the *New Statesman*, in which he further develops a distinction between *populist* and *republican* notions of democracy (Pettit 1997, 201), now calling them *the populist model* and *the personalist model*. While the former understands elections as the be-all and end-all of democracy, the latter sees them as an (essential) part of the devices necessary to provide for freedom (as *nondomination*).

> Where the populist model takes democracy to operate via the single channel of election to office, the personalist alternative emphasises the importance of three channels. First, the electoral channel, which is needed guard against dynastic control. Second, the checks-and-balances channel which forces those elected to power to operate within a network of unelected authorities who operate under constitutional constraints. And third, the contestatory channel that enables ordinary citizens and civic bodies to hold up those in power, elected and unelected, to public scrutiny. For personalists, the significance of the second and third channels

> is underlined by the way they are systematically attacked in autocratic democracies. (Pettit 2019)

Obviously, this already makes the *personalist model* very much akin to Popper's *protectionism*. But the resemblance is even more obvious when Pettit proceeds to the practical aim of his article, saying that although the 'personalist model' allows, in principle, for referenda, it demands measures to be taken so that the result would not "reduce the protection currently available to certain vulnerable sectors" or "jeopardise the lives of citizens who planned around the status quo" (*Ibid.*).

There are at least four other features of his thinking about democracy that Popper shares with Pettit and/or with the older republican tradition (rather than with the liberals):

1) Democracy is a necessary condition for all rights. As mentioned before, nothing like *natural rights* exists, according to Popper. Since they are only granted by institutions, and since democracy is the only institution able to protect people from arbitrary power, it follows that there can be nothing worthy of the name *rights* without democracy. In *The Open Society*, Popper writes:

> If democracy is destroyed, all rights are destroyed. Even if certain economic advantages enjoyed by the ruled should persist, they would persist only on sufferance. (Popper 2013, 369)

and in the 1988 article in *The Economist*:

> ... a dictator, even if he were benevolent, would rob all others of their responsibility, and thus of their human rights and duties. This is a sufficient basis for deciding in favour of democracy – that is, a rule of law that enables us to get rid of the government. (in Popper 2012, 365)

2) Democracy is also the best environment for reasonable reforms. Since this is the main topic of Lis and Donohue (2018) and, to some extent, of Jarvie (2001), I will limit myself to a very short review of the textual evidence. It is widely known that Popper defined democracy as a regime in which "government can be got rid of without bloodshed".[10] (It is also one of the few of Popper's ideals which still circulate nowadays with an acknowledgment of his authorship – see e.g. Przeworski 1999.) This, however, also means that democracy "provides the institutional framework for the reform of political institutions. It makes possible the reform of institutions without using violence" (Popper 2013, 120). Non-democracies, on the other hand, are rather ill-equipped for reforms which are reasonable and meaningful:

> One of the difficulties faced by a benevolent dictator is to find whether the effects of his measures agree with his good intentions (as de Tocqueville

10 Popper 2002, 463–4 and 472; Popper 2012, 243 and 334; Popper 2013, 118. This definition was, of course, crucial for Popper's main aim in writing *The Open Society*: "the defence of democracy against fascism". (Hacohen 2016, 30; Kochan 2009, 288; Stelzer 2006, 237; Weinstein and Zakai 2006).

> saw clearly more than a hundred years ago). The difficulty arises out of the fact that authoritarianism must discourage criticism; accordingly, the benevolent dictator will not easily hear of complaints concerning the measures he has taken. (Popper 2013, 149–50)

As Stokes (2006, 227) points out, democracy is also crucial for Popper's so-called *negative utilitarianism*. Without it, it is hard to imagine how the most pressing grievances would be identified, and – even more importantly – what the adequate means to alleviate them are. Furthermore, such an identification is a *permanent* process, not something which can be dealt with once and for all by some revolution-imposed benefactor with dictatorial power: "we must expect every elimination of an evil to create, as its unwanted repercussion, a host of new though possibly very much lesser evils" (Popper 2013, 697). Because of this, Popper believed (unlike most liberals) that a "consistent democratic constitution should exclude only one type of change in the legal system, namely a change which would endanger its democratic character" (*Ibid*., 368). (As gestured towards above, liberals also typically *do not* see democracy as something essential for liberty – they see it at best as something that "on the whole, provides a better guarantee of the preservation of civil liberties than other regimes" – Berlin 2002, 177).

3) Resolute rejection of technocracy/epistocracy. If there is any truth in the myths of *vox populi vox dei* and "the man in the street", says Popper, it is that "many simple men are often wiser than their governments; and if not wiser, then inspired by better or more generous intentions" (Popper 2002, 468). There is thus a great need for public "watchfulness, enforced by institutions to help us watch – i.e. by *democratic institutions* which are devised (using Platonic language) to enable the herd to watch, and to judge, their watchdogs" (Popper 2013, 636). Later in his life (1963), Popper even expressed this crucial republican thought in almost republican language:

> The member of a free society and citizen of a free state has certainly a duty of loyalty to the state, because the existence of the state is essential for the continuance of the society, and he will serve the state when the need arises. And yet, it is also his duty to combine with this loyalty a certain degree of vigilance, and even a certain degree of distrust of the state and its officers: it is his duty to watch and see that the state does not overstep the limits of its legitimate functions. For the institutions of the state are powerful, and where there is power there is always the danger of its misuse – and a danger to freedom. (in Popper 2012, 241)

It should also be mentioned that Popper was contemplating the title *A Social Philosophy for the Citizen* for what was later published as *The Open Society and Its Enemies* (Popper's letter to Carnap from 31 March 1943, now in Popper 2012, 90).

4) A violent revolution is legitimate if and only if it is against non-democracy with

an aim to bring about democracy. This is the only one of Popper's democracy-connected claims which Pettit does not explicitly address.[11] One finds, though, ample support for violent revolution among the republicans of old (indeed, it was the very *raison d'être* for many of their writings). This did not escape Popper. In *The Open Society*, he writes: "I believe with some medieval and Renaissance Christian thinkers who taught the admissibility of tyrannicide that there may indeed, under a tyranny, be no other possibility, and that a violent revolution may be justified." In the very next sentence, though, he brilliantly expresses a way in which he differs from these thinkers (who often pursued various positive – usually religious – goals):

> But I also believe that any such revolution should have as its *only* aim the establishment of a democracy; and by a democracy I do not mean something as vague as 'the rule of the people' or 'the rule of the majority', but a set of institutions (among them especially general elections, i.e. the right of the people to dismiss their government) which permit public control of the rulers and their dismissal by the ruled, and which make it possible for the ruled to obtain reforms without using violence, even against the will of the rulers. (Popper 2013, 360)

To be sure, one reason for this is moral (violence should be limited to necessary cases). But there is also a pragmatic reason: "A violent revolution which tries to attempt more than the destruction of tyranny is at least as likely to bring about another tyranny as it is likely to achieve its real aims." (*Ibid*.) Nonetheless, this certainly does not prevent Popper from being unusually fiery about the topic (after all, one has to realise that he watched helplessly as fascists took over power in his native Austria, only to forfeit it to Hitler four years after): A "government which attempts to misuse its powers and to establish itself as a tyranny (or which tolerates the establishment of a tyranny by anybody else) outlaws itself, and [...] the citizens have not only a right but also a duty to consider the action of such a government as a crime, and its members as a dangerous gang of criminals." (*Ibid*.)

To conclude with a slogan of my own, I believe that Popper's realistic political ideal would best be called *the republic of intertwined answerability*.[12]

This has a big overlap with Pettit's idea of *contestability* – an idea originating with Machiavelli, for whom an empowered citizenry was "a necessary means for keeping the mixed constitution in place" (Pettit 2014, 8). Nowadays,

11 The reason seems obvious to me: Unlike Popper, Pettit writes (or rather *used to write*) primarily for an audience which neither lives under a non-democratic regime nor is very likely to live under one in the nearest future. In such circumstances, every mention of violent revolution might turn counter-productive: it might be used by people trying to violently overthrow regimes which can, in fact, be changed non-violently.

12 With the same caveat that Pettit (esp. Martí and Pettit 2010, 31, 40–1) makes: that *republic* does not stand for *non-monarchy* as long as the monarchy in question is constitutional and democratically checked upon.

it is the idea of the *demos* exercising *kratos* "not in causing this or that to be decided on, or to be decided on by this or that process, but in ensuring that a myriad of other policies and processes are never considered" (*Ibid.*, 139).

Although in *The Open Society* Popper (2013, 368) usually limits himself to the example of general elections as the "most important" of the democratic institutions, in the 1954 Mont-Pèlerin paper he also describes what Stokes (2006, 220) has aptly called the "additional stimulus of organised public opinion" (cf. Popper 2002, Chap. 17). This is very similar to what is described by Pettit (2014, 140) when he refers to the role of public opinion in amelioration of "the employment of children, the treatment of women, [...] the conduct of affairs in mines and mills and factories". In this sense, I agree with Shearmur (2001, 37) that "what Popper called piecemeal social engineering [is] essentially, governmental initiatives controlled by critical feedback from citizens".

For both Pettit and Popper, democracy and, indeed, the state itself are primarily the means to *safeguard freedom* "widely interpreted".

3. CONCLUSION

Popper agrees with Marx in his "republican" outlook that only one who does not live at the mercy of another is free. Unlike Marx and like republicans, he seeks a political remedy for unfreedom. He further rejects the ethical naturalism often subscribed to by left liberals, as well as their positive-goals orientation and their tolerance for benevolent dictators. (Philip Pettit makes the same rejections.) Like republicans, Popper makes freedom "an anti-power", dependent on democracy, and a gateway value for other values. He does not abandon the liberal concept of freedom as *noninterference* altogether, nor does he replace it definitely with freedom as *nondomination*. But he gets fairly close to the latter when he writes that "there is no freedom if it is not secured by the state; and conversely, only a state which is controlled by free citizens can offer them any reasonable security at all".

Consequently, the protection of freedom requires, according to Popper, a rather robust state. Its responsibilities include the protection of children from neglect, free higher education, the provision of universal social and health insurance, and so on. Popper, like Pettit, rejects the idea that these would somehow be essential or quasi-eschatological functions of the state. At the end of the day, they are political demands – expressions of what we, the citizens, want from the state. Both Pettit and Popper hope to persuade most people that the possibility of living at the mercy of the economically strong is as undesirable as the possibility of living at the mercy of those with "the larger fists or the bigger guns". Both believe that it is, in general, more desirable as well as less utopian to limit public policies to the removal of the causes of grievances, while positive goals should be left for private initiatives (preferably of friends and family).

Popper's views regarding the rule of law and his arguments against "discretionary powers" are virtually

indistinguishable from those of the republican authors.

He conceptualises democracy not as the rule of the majority but as "various egalitarian methods of democratic control" of the government. Unless controlled, *any* government can be tyrannical, says Popper echoing one of the main republican themes. And even more importantly, unless those who govern are controlled by the governed, the latter cannot "claim and enforce" *as their rights* any benefits they may enjoy by living in the state. It is therefore crucial "to replace the question: *Who should rule?* by the new question: *How can we so organize political institutions that bad or incompetent rulers can be prevented from doing too much damage?*"

For Popper, as for the republicans, "the *theory of (unchecked) sovereignty*" is *the* most virulent of all political concepts. It is highly interesting that among the proponents of this theory, Popper names not only Plato, Hegel, and Marx, but also Bodin and Rousseau – the two archenemies of Italo-Atlantic republicans.

Pre-dating Josiah Ober, Popper presents a theory that *democracy* in ancient Athens did not mean that the people had a monopoly on the government, but that they were *enabled* to participate in it. Together with the stress on contestation (praising institutions such as the ombudsman, and so on), this brings him very close to Pettit's concept of rule *on the people's terms*. Popper also comes near to Machiavelli's democratic realism in viewing ordinary citizens as the primary check and balance on those in power.

Democracy is the most important institution for the preservation of freedom, also because only public discussion about the limitations of freedom can create a "readiness" to fight for its defence (while it can still be defended).

Though predictable institutions are highly preferable to reliance on the arbitrary power of persons, this does not mean that democracy can be conceived of as a purely impersonal system: "Institutions are like fortresses. They must be well designed *and* manned." As with Pettit, one of the most important practical issues in politics is the issue of how to achieve a condition where institutions are manned with people who intend to use them for their proper purposes and, at the same time, to safeguard against the misuse of power.

For all the things Popper has to say about democracy, for him it is only a means to protect freedom, not an end in itself. Though a lot is demanded from a citizen in Popper's *open society*, at the end of the day, the state is there for her, not she for the state. In this regard, Popper stands in agreement with republicans such as Pettit and Skinner, but in disagreement with those such as Sandel or Taylor. Popper also shares with Pettit (or earlier republicans) the views that: 1) democracy is a necessary condition for all rights; 2) it is the best environment for reasonable reforms; 3) technocracy/epistocracy is unconditionally bad; 4) a violent revolution is legitimate if and only if it is against non-democracy and with the aim of bringing about democracy. The first three of these views are in direct opposition to canonical liberal beliefs and the fourth shows important differences from them.

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