

The Ethics of Democracy

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ABSTRACT

The fetishization of majority rule per se has numbed what should be our primary concern for the preservation of individual rights. If political decisions intrude upon what should be left to the choice of free individuals, it does not much matter if such tyranny is the result of one's person's usurpation or of a majority's usurpation of such rights. While "the consent of the governed"—the right of a people to cashier its political leaders—is a great bulwark against tyranny, the essential question is what social and individual ethics are necessary for democracy itself to have value. A democracy worth having depends upon a commitment to legal equality, limited government, responsibility for the consequences of one's actions, mutual forbearance, and the acknowledged rights of the individual. Diminutions of these operational values harshly degrade the value of democracy itself and dangerously increase the dangers of democracy.

The eighteenth-century Western European Enlightenment produced two markedly different accounts of that "social contract" which, in the views of many, legitimized political authority. In Jean-Jacques Rousseau's *Du Contrat Social* (1762), individuals free in nature but facing problems whose solution required cooperation, created the basis for political society by surrendering *all* of their "natural" liberty in exchange for the political right to be governed by the general will, that is, in Rousseau's meaning, the general interest of all as decided only by those who sought the good of all. *The* political crime was to put one's own interest above the good of all, to betray one's fiduciary obligation to that greatest political good. In Cesare Beccaria's *Dei Delitti e Della Pene* (*On Crimes and Punishments* [1764]), the social contract entailed surrendering *the least possible* natural individual liberty to a government, however derived, that could ensure the conditions of exercising one's individual choices in peace and in security.

Rousseau's *Contrat Social* was not a commonplace reference or touchstone until the French Revolution, when its apparent view of a moral political society was embraced by the Jacobins. From then on, it became a foundational text of modern political thought. Beccaria's *On Crimes and Punishments* was a remarkable success from the start and appeared in the leading European languages. In the first year and a half after its publication, it was translated into best-selling editions in English and French. It was avidly read and commented upon by political and legal thinkers, including John Adams, Thomas Jefferson, and Jeremy Bentham.

The distinction between surrendering all of one's "natural" rights to, in theory, an appropriately configured and appropriately moral "political" society on the one hand, and surrendering the least possible individual liberty to secure the protections of society, on the other, provides us one means of understanding the myriad, mutually exclusive uses and meanings of "democracy." Most individuals, to say the least, unless they are professors or people who read what professors write, do not come to the term "democracy" via political

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theory, political and moral philosophy, or history. Rather, as in our own youths, one hears the word used in a baffling variety of ways and contexts. For Americans, of course, there is the Declaration of Independence, with its justification for separation from Great Britain in terms of the absence of the "consent of the governed." There is also the "Democratic" Party, which, along with the "Republican" Party, reassures people semantically that they live in a "democratic republic." When I was young, however, it was commonplace to hear people right-of-center continually assert that "America is a republic, not a democracy," a position front and center in current discussions about the Electoral College. With the Cold War dominating the politics of the second half of the twentieth century, we confronted "People's Democratic Republic" in its many instantiations, some of which survived the alleged fall of Communism. Think on the DDR, the German Democratic Republic; the DPRK, the Democratic People's Republic of Korea; the People's Democratic Republic of Ethiopia (1987-91); Democratic Kampuchea (Pol Pot's regime); the Democratic Republic of Afghanistan (1978-92); the Lao People's Democratic Republic; and the People's Democratic Republic of Yemen (South Yemen, 1967-90), among others.

The meaning of "democratic" in the latter cases derives in real part from the Jacobins' use of Rousseau. For Rousseau, people in society had two modes of will, one that separated them from their associates and one that linked them virtuously to their fellow creatures. The individual who, asked to choose a course of action for society, consulted his *particular* will—what was in his particular self-interest. He immorally separated himself from the corporate body that he had joined, and no sum of particular wills had any legitimate authority in a political entity. One's individual share of well-being had to be one's share of the happiness of the larger society. We had pooled our individual liberties in a corporate body. Just as a shareholder in a modern corporation has both a moral and legal right to share proportionally in the product of that corporate entity—and would rightly file a stockholders' derivative suit if others used the corporation for their own private interests at the expense of the whole—citizens of a society had a right to be governed at all times by the "general will," which pursued and identified the interests of all. When the charge was made in the Convention that the minority Jacobins had established a tyrannical dictatorship, Robespierre's ideologist, Saint-Just, replied that the majority of deputies represented nothing but diverse particular wills. Justifying Jacobin rule and authority, Saint-Just proclaimed that the Jacobins were the general will. Indeed, in rejecting the proposed Brissotin Constitution, Saint-Just excoriated them for thinking that the general will required elections, votes, and deputies to be identified. What was needed were not elections, but the rule of virtue toward an ultimate happiness. Once the majority of citizens was governed by virtue—"forced to be free," in Rousseau's phrase—then and only then would majority rule be justified.¹

"People's Democratic Republics" use a major portion of that meaning, however sincerely or cynically at various stages of their lives. The Bolsheviks' call for Communist Parties based on "democratic centralism" meant precisely that the goal of a "democratic" society, in the sense of one truly pursuing and achieving the general interest, could only be achieved by a centralized agency embodying the interests of our common humanity. The Marxists identified those common interests with what it termed the proletariat or working class. In the Leninist model, the problem of means was further complicated by their belief that the common interest of mankind was scientifically knowable and that the working class had developed, immersed in

¹ On Saint-Just and the Jacobins, against the Brissotins, see FRANCOIS FURET, *THE FRENCH REVOLUTION* 138-150 (1992).

a capitalist world, a "false consciousness" of its real interests. The actual, living proletariat favored incremental improvements and ignored its real needs: class warfare; the overthrow of capitalism; and the dictatorship of the proletariat en route to pure communism. The Bolsheviks and their heirs, knowing the science of history and alone working toward the common good, were the sole legitimate possessors of political power. They were, to echo Rousseau and Saint-Just, the "general will," which alone was ultimately democratic. Hence, "people's democratic republics."

Mao Tse-Tung, in his long essay "On the People's Democratic Dictatorship," explained it this way:

[T]he road to the abolition of classes, to the abolition of state power and to the abolition of parties is the road all mankind must take; it is only a question of time and conditions. Communists the world over are wiser than the bourgeoisie, they understand the laws governing the existence and development of things, they understand dialectics and they can see farther . . . [The working class and the Communist Party must work] hard to create the conditions in which classes, state power and political parties will die out very naturally and mankind will enter the realm of Great Harmony . . . To sum up our experience and concentrate it into one point, it is the people's democratic dictatorship under the leadership of the working class (through the Communist Party)²

History, for Mao, will provide the eventual and harmonious consent of the governed.

The British and American notion of "the consent of the governed"—which is what most ordinary citizens, I suspect, mean by "democracy"—is, for any nominal agreement on terms, analytically problematic, equivocal, and highly contested. Most citizens do not think of distinctions between "explicit" and "tacit" consent to governance, nor seek a consistent or even coherent idea of such consent, but, rather, take it in its original meaning in the Declaration: A people have a right to cashier those who govern them. That is an appealing, workable, and commonsensical understanding, always selectively applied. Writ large, this would mean that the American colonists; those ruled in India by the British Raj; the subjects of Leopold in the Belgian Congo; the Hungarians under Soviet domination; nonwhite South Africans in the age of Afrikaner apartheid; the Greeks under the Ottomans; the surveilled citizens of Stasiland in the DDR; the Algerians incorporated by the French, and on, and on, and on, had a right to say, "We will not be ruled by them." They all had a moral right to cashier their governments. Historically, however, assigning the adjective "democratic" to the "self-determination" of so-called peoples proves complicated indeed. To use obvious examples: the Sudeten Germans of the 1930s; the American South after the election of Lincoln.

Despite the analytic complications of virtually any consideration of "democracy" used in an approving and admiring sense, the ability to vote out one's government seems an indispensable and the least controversial *sine qua non* of what one approves and admires in terms of "We The People" as somehow sovereign. The presumptive right of a people to choose or dismiss its political leaders is, historically, a weapon against political overreach, corruption, nepotism, venality, and incompetence; indeed, it is a great bulwark against tyranny, given that it also

² Mao Tse-Tung On People's Democratic Dictatorship, Beijing (June 30, 1949) in MARXIST INTERNET ARCHIVE, October 2020, <https://www.marxists.org/> [<https://perma.cc/SSX4-YPX3>].

creates a disincentive or deterrent to egregious abuse. Where would politics be if one could not "throw the bums out"? The answer to that is either despotism or civil war.

The so-called "will of the people," whatever its salutary effects when marshalled to reject foreign domination or abusive government, can be, we know full well, as dangerous in many contexts as it is beneficent in others. "Totalitarian democracy" is *not* an oxymoron. The "tyranny of the majority" is a real and constant danger.

John Stuart Mill put this so well in *On Liberty*. The struggle against aristocratic and monarchical despotism had been more successful than anyone could have imagined, and "the people" as rulers of a society, one with "the people" as subjects of that society, had become the achievable ideal for so many. Democratic success, however, had revealed a new peril:

It was now perceived that such phrases as "self-government," and "the power of the people over themselves," do not express the true state of the case. The "people" who exercise the power are not always the same people with those over whom it is exercised; and the "self-government" spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active part of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power . . . [I]n political speculations "the tyranny of the majority" is now generally included among the evils against which society requires to be on its guard.³

Despite Tocqueville's and Mill's tocsins concerning "the tyranny of the majority," however, the fetishizing of "democracy" continues apace. Standing alone, to do things in a "democratic" manner is a positive, not a negative, in most people's minds, and to be "undemocratic" is to carry a pejorative label indeed. The most beloved president of the first half of the 20th century, Franklin Delano Roosevelt, put it this way: "Let us never forget that government is ourselves and not an alien power over us."⁴ Ronald Reagan put the case even more strongly, noting that "Democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man."⁵

Utilitarians, indeed, tend to hold a far less exalted view of democracy, as seen in Mill himself. In essence, they (and others, of course) see a mitigated democracy as a means to an end, never seeing democracy as an end in itself. Ludwig von Mises, in *Liberalism* (1927), argued that a state was essential to the protection of well-being, and of the property and enjoyment of the fruits of one's voluntary labor on which human well-being depended. The will of the people in every polity obviously had the means of making itself felt, but historically, the available means were generally "civil war, insurrection, revolution." To say the least, these were the very "expedients" that liberalism wished to avoid, because in the midst of endless civil wars, violence, and insecurity, human life could not flourish and prosper. Thus:

Here is where the social function performed by democracy finds its point of

³ JOHN STUART MILL, *ON LIBERTY* 12-13 (1859).

⁴ President Franklin D. Roosevelt, Address at Marietta, Ohio (July 8, 1938).

⁵ President Ronald Reagan, Address on the 40th Anniversary of D-Day (June 6, 1984).

application. Democracy is that form of political constitution which makes possible the adaptation of the government to the wishes of the governed without violent struggles. By means of elections and parliamentary arrangements, the change of government is executed smoothly and without friction, violence, or bloodshed.⁶

For Mises, elected representatives and heads of state have proven profoundly disappointing: "It was quickly discovered that the democracies committed at least as many errors as the monarchies and aristocracies had." The problem, however, was that there was only one alternative to democratic elections: the doctrine of force . . . the right of a minority to seize control of the state by force and to rule over the majority," which would lead us right back to the nightmare of "the Wars of the Roses" and the "fratricide of the French Revolution." The effort to impose, for any reason, a regime upon an unwilling majority "will do more harm than the worst government based on the consent of the governed could ever do." In short, democracy, as a means, was a necessary expedient toward the goal of human flourishing, and there was no viable, peaceful alternative to persuasion in a system of electoral politics.⁷

If one focuses on the other great theme of the Declaration of Independence (beyond "the consent of the governed"), one encounters a claim about the very purpose of such governance. It is a claim that constitutes the essential principle, drama, goal, and struggle of the American experience. As individual human beings, we are endowed with certain unalienable rights prior to and independent of the existence of government, and "*among these*," though the most salient, are the right to life, liberty, and the pursuit of happiness. Government is instituted not to provide an open-ended experiment in democratic self-governance, but to protect these individual rights—or, in Jefferson's language, "*to secure these rights*, Governments are instituted among Men." [italics added].

Is the Declaration's view that government deriving its authority from the "consent of the governed" for the purpose of securing "*rights*" compatible with a *utilitarian* view that democracy is the only alternative to a violence that would be catastrophic for human flourishing? Perhaps Mill's *On Liberty* has had such a great influence not only because of the eloquence of his celebrations of individual liberty and autonomy, but also because *On Liberty* can be appropriated both by casual rights theorists—individual sovereignty over one's life, absent direct harm to others, has a ring to it—and by casual utilitarians—his stated goal is the long-term well-being of mankind as a species. What surely appears as a weakness to more philosophically minded moral and political theorists—a possible conflation of utility and rights—probably functions as a great source of Mill's enduring appeal.

For the philosophically ambivalent or skeptical, there seems something odd in a utilitarianism that can place no limits to what may be done to human beings if it increases future human happiness, raising the specter of Stalin's and Mao's use of the present, in theory, to secure the happiness of the future. One need not embrace the Golden Rule or Kant's categorical imperative—"Act only according to that maxim whereby you can at the same time will that it should become a universal law"—to have difficulty with that. Equally, there seems something odd in a rights theory that ignores consequences, that disregards human well-being as a criterion, that proclaims, in effect, let justice be done though the world and all its creatures perish. That view, also, appears to entail a coldness and detachment from ordinary human lives that few possess.

⁶ LUDWIG VON MISES, LIBERALISM IN THE CLASSICAL TRADITION 19-21 (2005). (All quoted text.)

⁷ *Id.* at. 22-25.

The extremes of rights without utility and of utility without rights seem troubling to most of us, and few writers venture to either place without trying somehow to reassure us. Thus, in *Atlas Shrugged*, Ayn Rand pointedly, for whatever purposes, shows readers a world of suffering, want, and unhappiness in her portrait of the dystopia produced by “the looters.”⁸ Nonetheless, John Galt, the hero of the work, speaking for Rand, declares “utilitarianism” to be the philosophy of a “prostitute” and rebukes all notions of altruistic obligations to the well-being of others.⁹ The freedom to craft one’s own life, to pursue one’s own goals, and to enjoy the fruits and satisfactions of one’s own efforts—if one grants that same freedom to all others—arises from human nature and objective reality themselves. Utility plays no part in it. Nonetheless, Rand portrays an immoral world whose consequence is indeed a world of pain and deprivation.

Thus, Mises, like Bentham before him, dismisses all talk of “rights” and individual autonomy as the stuff of “muddleheaded babblers” who may therefore argue interminably over whether all men are destined for freedom. There is only one compelling objection to slavery itself, Mises states: “namely, that free labor is incomparably more productive than slave labor.” For Mises, “Only free labor can accomplish what must be demanded of the modern industrial worker.” “What we [classical liberals] maintain,” he insisted, “is only that a system based on freedom for all workers warrants the greatest productivity of human labor and is therefore in the interest of all the inhabitants of the earth.” If freedom were not the most productive system, in terms of the goods and services it calls forth, there would be no argument for it. Nonetheless, Mises reassuringly informs us, it would be impossible for slavery to be as productive as freedom.¹⁰

For Rand, Mises, and those who find one or the other compelling, there are no problems with each respective position. For Rand (and her admirers), the issue is an individual’s rights, and it makes perfect sense that a world based on a false understanding of those rights would be dysfunctional and dystopian. One decides issues, however, on the basis of rights, and one concludes on behalf of a free and voluntary society. For Mises (and his admirers), it is patently obvious that a world in which individuals are not free to work for their own well-being would be unproductive and immeasurably less satisfying in its outcomes. One decides issues, however, on the basis of utilitarian calculations of productivity, and one concludes on behalf of a free and voluntary society. For the less consistent among us, it seems, at the very least, difficult both to dismiss consequentialist arguments about the effect of social organization upon the lives of our fellow creatures, on the one hand, and to dismiss the notion that there are no limits to what one human being may do to another—slavery, for goodness sake!—except in terms of productive efficiency, on the other hand.

Mill appears to resolve these tensions by embracing a modal justification of freedom and rights. For Mill, living under freedom and the recognition of rights is a way of being human that enhances our lives, now and to come, in multiple ways. In his view, liberty and rights are indispensable to the progress of humanity, both in terms of “what manner of men” liberty produces and in terms of our future well-being. The species cannot know its future, but if it allows individual self-sovereignty, it has chosen the only path to innovation, to learning from experience, and to an exercise of intellectual and moral faculties that produces human beings capable of adaptation and progress. He argues, in a language that sounds neither utilitarian nor rights-based, but that can appeal to both camps (philosophers excluded), that the cultivation of

⁸ AYN RAND, *ATLAS SHRUGGED* (1957).

⁹ *Id* at 1030.

¹⁰ Mises, 3-5 (All quoted text).

individuality, limited only by “the *rights* and interests of others” in not being directly harmed, can make of human beings something different and higher than what we today might imagine: “Among the works of man,” he writes, “which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself.” If liberty prevails, the men and women of today’s civilized world “assuredly are but starved specimens of what nature can and will produce.”¹¹ Thus, when he addresses the limits of society’s authority over the individual, he notes the need, if we are to flourish, to protect “certain interests which, either by express legal provision or by tacit understanding, ought to be considered as rights.”¹²

If we view democracy simultaneously from the perspective of *The Declaration of Independence* and *On Liberty*, our model, its utilitarian flank gently covered, becomes one of democratically choosing a government that exists for the very purpose of securing our rights. Any celebration of democracy *per se* would lead to the conclusion that the true legitimacy of political authority is derived from its source, the will of the majority, rather than from its function, the protection of individual rights.

In such a view, the democratic majority is as limited in its rightful authority as any single citizen would be, restricted to actions that do not infringe upon the proper scope of individual self-sovereignty. If political decisions intrude upon what should be left to the choice of free adult individuals, it does not much matter if such tyranny is the result of one person’s usurpation or of a majority’s usurpation of such rights. Whom should I love? Whom should I marry? Should I leave my job and try my hand at writing, or acting, or preaching? What should I read? Should I eat meat? If those answers are dictated to an adult, with the coercive power of the state behind those dictating, what does it matter if such governors were elected democratically or seized power by force? Ah, but majority rules, and when 51% of the population (or 99%, for that matter) insist that you marry X instead of Y, not eat pork, not drink large sodas, vote in all elections, and not read certain books, a free individual has only one reply: That is not *your* decision, however arrived at; that is *my* decision to make. Here, once again, Mill celebrates individual self-governance—answerable to society only for direct harm to others—over the will of the majority, affirming:

That the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his

¹¹ MILL, 106-113. (All quotes; italics added).

¹² *Id.* at 134-135.

own body and mind, the individual is sovereign.¹³

Our subject being "ethics" and "democracy," let us contemplate the political, social, and moral values that would vivify a functional, mitigated democratic society devoted to the respect and enforcement of unalienable rights. Without equality before the law—the ongoing securing of which has been the secular miracle of American life—there can only be, given human nature, a tyranny of the majority. The 14th Amendment to the U.S. Constitution—with its injunction that "[N]o state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"—was both an acknowledgment of essential individual rights and a means by which the progress of liberty in a democratic society was actualized. If the majority does not recognize legal equality—the "Equal Justice Under Law" inscribed above the Supreme Court—it makes a moral democracy impossible and it deprives a class of citizens of any attachment to democratic governance as a means of liberty.

Democracy will be no friend of rights and liberties—indeed, it becomes the enemy of them—if it does not accept the necessity of a strictly and precisely limited government. This is a difficult task, given the extraordinary demands made upon governments at all levels by those who elect them. The more that government expands its reach, the less autonomy individuals retain. James Buchanan's summary of his sobering 2005 article, "Afraid to be free: Dependency as desideratum," posited a dynamic that is the worm in the apple of governance by majority rule: "Ceding control over their actions to others allows individuals to escape, evade and even deny personal responsibilities."¹⁴ The problem, of course, is that such individuals go beyond ceding control over themselves alone to external authorities (one might voluntarily do so to one's monastery, for example), and give control over the lives of others to government.

Democracy also cannot flourish without individual responsibility for the consequences of one's individual actions. Liberty is fraudulent if individuals seek to pass the costs of their own individual actions to their neighbors or, worse yet, turn to government to impose laws that free them from the responsibility for their choices. The great threat to sustaining belief in individual responsibility, without which individual rights have no substance, without which democracy has no positive value, is the currently regnant belief in group over individual identity. Just look at almost all our academic institutions: the operational political agendas of most centers of so-called higher education are based, above all else, upon group, not individual, identity; group, not individual responsibility; and group, not individual conscience.

This has led to the moral crime—just as the scope of legal equality was expanding more than one might have dreamed—of officially designated group identities. Morally, the mania of official group identity has denied the only authentic meaning of liberation: the right to individuate, by one's own lights, free of external coercions and impositions. It is the right of all free men and women to decide for themselves the meaning and importance, or relative unimportance, of their race, ethnicity, religion, sex, and sexuality. No one has the moral right to decide that for them, and to assign to them official voices. The Ed Schools teach otherwise, and K-12 is now an exercise in moral re-education toward seeing oneself, whatever one's individual reality, as victim or oppressor. The university *in loco parentis* puts that exercise on steroids.

¹³ *Id.* at 31-32

¹⁴ James Buchanan, *Afraid to be free: Dependency as desideratum*, 124 PUB. CHOICE 19 (2005).

Increasingly and drearily, the curricular university does the same. Tendentious, partisan, hyper-politicized, and ideologically coercive educational systems are the malignant rejection of the progress that America has made in giving life to the Fourteenth Amendment and to legal equality, and indeed are an attempt to create citizens who reject the very notion of unalienable *individual* rights as itself racist and oppressive.

Our educational systems are asserting and inculcating the view that certain classes of citizens, defined by external attributes, have a right not only not to be subjectively offended, but even not to have to live on a campus where others voluntarily choose to hear certain invited speakers. Marcuse's notion of "repressive tolerance" has triumphed in our schools over Mill's notion of freedom of belief, expression, and association. Our K-12 schools are political madrasas. Our universities engage in thought-reform more appropriate to the University of Beijing during the Cultural Revolution than to the institutions of a free society. Our law schools either contribute to or, on the whole, stand mute before this toxic assault on a *sine qua non* of a polity that would secure unalienable rights. We have a lost generation.

Absent direct harm, mutual forbearance is the critical variable in the preservation and expansion of liberty in a democratic context. As Mill framed the matter, "Mankind are greater gainers by suffering each other to live as seems good to themselves, than by *compelling* each to live as seems good to the rest."¹⁵ Mises had it right: there is no alternative to persuasion in a democratic electoral system except a violence that leads to catastrophic obstacles to cooperative life and production. Absent that effort at persuasion, however, the very heart of the American experiment is now in grave peril.

In *On Liberty*, John Stuart Mill sought to present individual liberty as essential to a democratic polity that would not crush the dynamic forces of human progress. It was in the long-term utilitarian interests of mankind as a progressive species to regard self-sovereignty absent direct harm to others as a "right." Let me give him final word, in his articulation of what that self-sovereignty entailed:

It comprises, first, the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions...being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived. No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified.¹⁶

¹⁵ MILL, 27. (emphasis added).

¹⁶ *Id.* at 26-27.

Defending that liberty for oneself and for one's fellow citizens is the obligation of anyone who believes in the possibility of the unification of democracy and unalienable rights. The will and courage to defend it are the indispensable ethical qualities of the citizens of any democracy worth having.

