

Dusanka Slijepcevic

University of Banja Luka
ORCID: 0000-0001-9237-4955

Biserka Kosarac

University of East Sarajevo

Ewa Dąbrowska-Prokopowska

Uniwersytet w Białymstoku
ORCID: 0000-0001-8296-365X

SOCIAL TYRANNY OF THE MAJORITY, TOLERANCE OF DISINFORMATION, AND FREEDOM OF EXPRESSION

| Abstrakt

Opracowanie dotyczy jednego z najczęściej analizowanych pojęć we współczesnym społeczeństwie, czyli demokracji¹. Celem artykułu jest krytyczna analiza przyczyn niezadowolenia obywateli z demokracji, tj. jej nieodłącznych niebezpieczeństw, które najbardziej uwidaczniają się w problemie tyranii większości. Nieustannie przejawia się ten problem od starożytnej formy rządów do współczesnego triumfu demokracji jako „uniwersalnego systemu politycznego odpowiedniego dla nowoczesnych społeczeństw kapitalistycznych, do którego się aspiruje” (Pierre Manet). Zwracamy również uwagę na afirmację większości w demokracji, tj. na kwestię prawa mniejszości do ochrony przed potencjalnym terrorem większości, zgodnie z nauką wybitnych myślicieli społecznych na przestrzeni dziejów. Tyrania większości jest problematyczna ze względu na zagrożenia, jakie niesie dla wolności i godności człowieka, a także dla normatywnego ideału „wiecznego pokoju”,

¹ A. Lijphart, *Democracy in plural societies*, Zagreb 1992, p. 13.

który mamy dopiero osiągnąć w odległej przyszłości. Niniejsze ujęcie tego tematu, w interpretacji poglądów wybitnych myślicieli, stara się (z pewnością nie po raz pierwszy) uwypuklić niektóre z istotnych wad „jedynej gry w mieście”, obok jej względnych zalet w stosunku do wszystkich realnych alternatyw, a tym samym wskazać na inną postać tej struktury rządzącej, „szanowanej i cenionej wszędzie, która rzekomo poprawia życie tych, którzy mają szczęście jej doświadczyć”².

- Słowa kluczowe: społeczna tyrania większości, wolność słowa, tolerancja, kultura dialogu, (dez)informacja, konsumpcjonizm, demokracja.

| Abstract

The subject of the paper concerns one of the most frequent topics of discussions in modern society³. It is about democracy and a critical examination of the causes of dissatisfaction with democracy, i.e. its inherent dangers, the most obvious of which is the problem of tyranny of the majority, which has plagued the democratic form of government from its ancient origins to the modern triumph of this “universal political system suitable for modern capitalist societies to which one aspires” (Piere Manet). Attention is also paid to the issue opened by the affirmation of the majority in a democracy, i.e. the question of the minority’s right to protection from the potential terror of the majority, according to the teachings of prominent social thinkers throughout history. The tyranny of the majority is also problematic in light of the threat it poses to freedom and human dignity, as well as to the normative ideal of “eternal peace”, which we have yet to achieve in the distant future. The interpretation of the views of prominent thinkers seeks to emphasize some of the important shortcomings of the democracy, as “only game in town” beside its relative advantages over all real alternatives⁴.

- Keywords: social tyranny of the majority, freedom of expression, tolerance, culture of dialogue, (dis)information, consumerism, democracy.

² B.S. Thornton, *Democracy’s dangers & discontents: The Tyranny of the Majority from the Greeks to Obama*, Washington 2014, p. 2.

³ A. Lijphart, op. cit., p. 13.

⁴ B.S. Thornton, op. cit., p. 2.

The tyranny of the majority from ancient Greece to the United States of America: classical and contemporary anti-democratic concepts

The term “tyranny” was first used in ancient Greece to describe politically ambitious aristocrats who, by overthrowing the constitutional order of the polis, took power into their own hands.

Tyranny (lat. *tyrannus* - “illegitimate ruler”) has since been given a pejorative meaning as a form of rule that is not grounded in law and in which the ruler (tyrant) is not recognized; nor is he recognized to inherit power, but governs against the will of others, as he possesses absolute power over the people in a state or organization. Therefore, tyranny, as inevitably violent and arbitrary rule, has long been considered the worst form of political order, until the 20th century, and even today the very concept of tyranny is commonly understood as a form of political order characterized by the absence of restrictions on power and rulers.

As a political category and form of government, tyranny was first described through strong criticism in the thoughts of the philosopher Plato, as a “disease of democracy”, and then by Aristotle, who gave it the meaning of “despotic autocracy”⁵. Thus, tyranny was characterized by the ancient philosophers, Plato and Aristotle, as a “corrupt form of government”⁶.

⁵ Tyranny is, according to *Aristotle*, a monarchy that has in mind only the interests of the monarch. It is the despotic power of one man over the state union. It has no general interest in mind, unless it is the personal benefit of the tyrant; see: Aristotle, *Politics*, Belgrade 1960, p. 1279b, 1311a.

⁶ Evaluating and comparing the constitutions of his time, starting from the motives of those in power in making political decisions as a criterion for the division, Aristotle divided political structures into two groups – the “correct, which aim at the common good, and deviant” constitutions (state orders), which he calls wrong, because they have as their goal only those in power. The correct forms of government are the kingdom (*basilea*), aristocracy, and politea, and their perversions are tyranny, oligarchy, and democracy. Each of these constitutional forms contains a basic and real danger of turning into its “deviant” form: the monarchy into tyranny, the aristocracy into oligarchy, and the politea into democracy. “*Tyrannida* is a monarchy that has in mind only the interests of the monarch (see p. 1295a, 3), oligarchy the interests of the rich, and democracy of the poor. None of them

According to Aristotle, corrupt forms of government included not only the rule of an individual (tyranny) and the minority (oligarchy), in their own interest and over the majority, but also the rule of the poor majority in their own interest and over the minority (democracy). In this form of democracy the people (demos) rule alone, not obeying the law, so their power becomes despotic. It follows, therefore, that just as the tyranny of one man is possible, so is the tyranny of the multitude, of the majority.

In the tradition of ancient Rome, tyranny was most often understood as a perverted form of monarchy, and therefore, for example, Polybius advocated a republic and opposed the monarchy, which is always in danger of perversion into tyranny.

Although power in tyranny is exercised arbitrarily through violence, an individual (who will later become a tyrant) may, initially, be elected as a ruler in a legitimate manner, either through democratic elections or by hereditary law. Power in tyranny is exercised exclusively in the interest of rulers and resistance to such power is destroyed by force and often in a brutal manner. Force and brutality are the only means by which tyranny is possible and at the same time they define it as such.

Today, the term tyranny is commonly used to refer to authoritarian and repressive regimes, which have no political legitimacy, but sometimes also to unacceptable phenomena in democratic societies. One of the most common examples is the so-called “tyranny of the majority”. The term tyranny is used to draw attention to the problem of the logic of the principle of the majority, which recognizes the dominance of majority public opinion over the minori-

has in mind the general interests”; see: A. Savanović, *The place of representative democracy in Aristotle’s politics*, “Yearbook of the Law Faculty in Sarajevo” 2010, vol. 32, p. 316.

Politea represents the middle ground between democracy and oligarchy, their mixture, thus creating the rule of the best representatives elected by the will of all citizens, which Aristotle rightly especially praised, since it unites the positive elements of both models and according to A. Savanovic, there is no problem of legitimacy because neither rulers nor the ruled can dispute it, because the best are chosen to rule by the will of all.

ty (national, religious, sexual, gender, political, etc.), thus violating a certain (liberal) conception of freedom.

The anti-democratic tradition begins with the world's first democracy, in ancient Athens⁷, as a tradition in Western political theory that hinted at the transformation of democracy, understood as the rule of the people who rule themselves, into the rule of the masses, the "mob".

The French thinker Alexis de Tocqueville described the "tyranny of the majority" as the greatest danger coming from democracy and the founders of American democracy were fully aware of the threats to freedom coming from those in power. Thus, Alexander Hamilton wrote in *The Federalist Papers* in 1787 that: "People love power... Give all power to the multitude and they will oppress the few! Give all power to the few and they will oppress the majority." And the British historian, Lord Acton, identified the same flaw in democracy, pointing out that the prevailing evil of democracy is the tyranny of the majority, or even the tyranny of a party that succeeds, by force or deception, to win the election.

Educated in the spirit of anti-democratic tradition, the founders of American democracy, recognizing the dangers of democracy in the form of growing demands for the permission of certain things and radical egalitarianism, sought a way to avoid them, creating a mixed government within the Constitution. Namely, the pioneers of American democracy, Alexander Hamilton and James Madison, writing the Constitution and the *The Federalist Papers*, not only sought for a way to protect the majority from abuse by a minority (which could stand out and take all the power) but also to defend the minority

⁷ This tradition included not only writers such as Thucydides, Plato, and Aristotle, formally studied by the founders of modern US democracy, but also later Roman and continental political philosophers and theorists who, like Greek critics, did not trust the common people, since they considered them a group of ignoramuses subject to the machinations of ambitious demagogues and politicians. Democracy was linked to three main shortcomings: the majority could use its powers to oppress the minority; people could easily be carried by a wave of emotions and passions and not be guided by reason; and finally, people could be motivated by their individual interests to the detriment of the interests of society as a whole.

from the majority, with the aim of preventing any abuse of the majority over the minority or of one part of society over another who thinks or lives differently from the majority⁸.

As every democracy concentrates the highest social power in the legislature, the possibility of the omnipotence of the majority appears in it first, since the majority in the legislature has no limits in the exercise of power other than its own. Therefore, their solution was for power to be equally divided and balanced between several state bodies (Montesquieu's principle of balance in the division of power into legislative, executive, and judicial) so that none is able to exceed its legal boundaries without being effectively restrained and controlled by others.

In order for the democratic despotism of the majority not to violate the basic rights of individuals or minority groups (e.g. take over their property, endanger privacy and property rights), the basic human rights are essentially set by special amendments to precede the political state, so that they are morally and legally out of reach of any hypothetical abuse of the majority. Special constitutional principles, defended by a strong and independent judiciary, limit and oversee the legislative and executive branches. Thus, strong constitutional principles, which guarantee the same rights to all, are superior to the legislature and the executive, in such a way that if the legislature or the executive has exceeded its powers under certain unconstitutional acts or with its acts has endangered the rights of a group, of an individual, these individuals and groups can call on the Supreme Court, which will declare a certain law unconstitutional.

In this way, the human drive for power, whether they are part of the masses or the elite, defined by wealth and descent, could be controlled, their

⁸ In *The Federalist Papers*, Hamilton and Madison were among the first to point out the danger that a larger part of society could oppress a smaller one and vice versa. Thus Madison wrote: "The accumulation of all power, legislative, executive and judicial in the same hands, regardless of whether it is an individual, a few or a multitude, and regardless of whether it is a hereditary, self-appointed or elected government, can be taken as the very definition of tyranny"; see: A. Hamilton, J. Madison, J. Jay, *The Federalist Papers*, New York 1961, p. 301.

interests limited, so that the federal government cannot become an instrument of tyranny. Therefore, as Thornton⁹ states, a limited republican government is a lifeline for civilized societies.

Starting from beliefs based on anti-democratic tradition, which indicates that the shortcomings of democracy stem from the inherent weaknesses and shortcomings of human nature and, as such, inevitably lead to tyranny, throughout history, a specific form of democracy, called liberal representative democracy¹⁰, has been developed, in an effort to combine the benefits of democracy with avoiding or minimizing potential dangers. Thus, democracy turned from a doctrine suitable only for small cities-states that were rapidly disappearing, into an idea and practice suitable for the great nation-states of the modern age¹¹.

⁹ B.S. Thornton, op. cit.

¹⁰ The form of democracy that rules the world today, and which is best expressed by the classical definition, given in his famous address in Gettysburg, during the American Civil War, by Abraham Lincoln, which reads: “Democracy is a government of the people, by the people, and for the people”, As Robert Dahl points out, representation was not invented by democrats, but was developed within the medieval institutions of monarchical and aristocratic rule. Its beginnings, first in England and Scotland, were in assemblies which were convened by monarchs in order to resolve important social issues (taxes, wars, succession to the throne, etc.) and sometimes by the nobles themselves. Usually, those who were invited were elected to represent different classes, and such representatives met separately. Over time, the classes were reduced to only two – lords and the common people, so both had their own special homes; see: R. Dahl, *Democracy and its critics*, Podgorica 1999, p. 88.

¹¹ In the 18th century, the authors began to realize that merging the democratic idea of the rule of the people with the democratic practice of representation could lead to a completely new form and dimension of democracy. “In the Spirit of the Law (1748), Montesquieu wrote with admiration about the English constitution, stating that since it is not possible for the people in a great state to meet in the legislature, they must choose their representatives who will do what the people cannot do alone. (...) For several generations, in Montesquieu’s and Rousseau’s time, the representative system was widely accepted by Democrats and Republicans as a solution to remove old restrictions on the size and scope of democracies”; see: R. Dahl, op. cit., p. 89.

Who will rule and whose interests the government should take into account, when there is no consensus among the people and when the wishes of the people differ?¹² In response to the given question, the conclusion is that, in accordance with the main principle of democracy – that the majority is always right – the same majority of the people will judge. However, Radonjic is skeptical about the correctness of decisions made by a majority vote and believes that the wealth of elements and modalities in which democracy occurs cannot be substituted by any universal form or formula. On the contrary, their multiplicity and diversity mean that it is more realistic to talk about democracies than about democracy¹³.

According to K. Popper, the essence and the only advantage of democracy, as we know it in its modern edition, is precisely the possibility for the people to peacefully remove cruel and corrupt autocrats¹⁴ from power through elections. This certainly means that, in a democratic order, it is easier to limit the minority, precisely with this method of voting that the majority usually uses. So the representative character of democracy itself reduces the possibility of alienating representatives from the people. This would also be the answer to Aristotle's famous question: "And who will guard the guardians?", addressed to Plato on the occasion of his request to govern the state with the help of the wisdom of the philosophical guardians of society.

So, to the question "How can we be sure that those in power will not use the powers given to them to pursue their personal interests, rather than the general interest of all?", the answer would be that the strongest defence against abuse of power is the possibility of removing people from authority, through elections¹⁵. On the other hand, there are opinions like Rousseau's,

¹² A. Lijphart, *Models of democracy*, Podgorica 2003, p. 75.

¹³ R. Radonjic, *Democracy*, Podgorica 2004, p. 20.

¹⁴ Paraphrased according to Popper in: N. Kecmanovic, *Elements of government*, Belgrade 2011, p. 19.

¹⁵ The mechanism of representative democracy is well described in 1318b, 3: it is essential that "all citizens be given the right to elect authorities, to demand accountability from them and to participate in the courts, but that the highest positions be elective... In that case the state administration must be good because the govern-

regarding the fierce criticism of representative democracy, that the English people are free only during the election of members of parliament, only to fall into slavery¹⁶ immediately after their election.

However, the question of limiting the majority arises for a change, that is: How to prevent the abuse of power by those who have acquired it democratically? In his *Reflections on the Revolution in France*, Burke points out that the majority is most cruel to the minority whenever sharp differences¹⁷ prevail in that kind of political community. As a result, there is a growing impression that violence against a minority involves a far greater number of individuals and that it is perpetrated much more frequently than could ever be expected from a single government.

Majority rule in democratic decision-making

Starting from the etymological definition of democracy, according to which it is defined as the rule of the people, based on the idea that sovereignty belongs to the people who exercise it directly (e.g. by referendum) or indirectly, through elected representatives, it is possible to see that the notion of majority is inseparable from the notion of democracy, because democracy is defined through it, and so it, in the most general sense, means the power of the majority. In other words, “the democratic process necessarily implies the principle of majority rule”¹⁸.

However, the realization of the principle of majority rule is not an easy process at all, due to the existence of certain difficulties in the application of this

ment will always be in the hands of the best people, and the people will not envy the respectable people brought to power by its will. This order will be satisfied by these prominent and respected people because they will not submit to worse they will rule justly because others will have the right to ask them to account to them”. See more in: A. Savanović, op. cit., p. 319.

¹⁶ J.J. Rousseau, *The Social Contract*, Belgrade 1949, p. 74.

¹⁷ E. Burke, *Reflections on the Revolution in France*, London 1971, p. 121–122.

¹⁸ R. Dahl, op. cit., p. 220.

principle. Namely, theorists like Rodin draw attention to the potential problem that can arise if democracy is defined as a form of government, because that would mean that it, as the rule of the majority, can degenerate into tyranny over the minority and that there is a danger that it abolishes not only the rule of law, as the only protection of the minority from the majority, but also itself¹⁹. This only confirms the fact that those who remain in the minority must obey the will of the majority with which they disagree, which gives rise to their moral dilemma as to whether, therefore, it is worth living in a democracy at all.

As Tocqueville states, with the spread of democracy, there is a growing awareness that the terms “self-government” and “government of the people over themselves” are contradictory, because they do not mean the management of everyone by himself, but the rule of most of society over the rest. And here, as in the case of other forms of government, there is the possibility of abuse and tyranny of those who have power over those who do not have it.

The affirmation of majority rule, as is often pointed out, was contributed by John Locke (1632–1704), to whom it is attributed that with him the idea of majority rule “came into circulation again” at the end of the 17th century. Since then there is a new rethinking of the idea of majority rule, which assumes that democracy is possible only as a representative form of government, has gained strong momentum. Such beliefs were once justified by J. S. Mill, aware of the fact that the ideal type of government must be representative, since not everyone in a country larger than one city can personally take part in most public affairs.

In the end, in a democracy as an electoral system, the majority produces a minority or minorities that govern it. This is achieved by the citizens electing their representatives to the parliament, which is a minority in relation to the electorate, while the parliament then elects the government, which is a minority in relation to it. Thus, the majority rule “turns the majority into a smaller number”²⁰.

¹⁹ D. Rodin, *Democracy is neither the rule of the people, nor the rule of the people?*, “Political Thought” 2006, vol. 43(3), p. 4.

²⁰ J.S. Mill, *Considerations on Representative Government*, Indianapolis 1958, p. 146.

The threat to freedom in democracy

Studying the unstoppable and inevitable growth of democracy²¹, Tocqueville sees one of its inherent dangers, which relates to the threat to freedom and human dignity. As he points out, the principle of equality on which democracy is based can in reality be subjected to equality in slavery, instead of equality in freedom. In other words, it would mean that, although freedom in an age of democracy can only exist when united with equality, equality is also possible in alliance with despotism²².

Hence, democracy is threatened by two dangers – the abolition of democracy itself through the introduction of undemocratic institutions and a new form of despotism that develops within the democratic institutions themselves, i.e. the tyranny of the majority, which, according to Tocqueville, is the greatest shortcoming of a democratic social order. On this occasion, this prominent French thinker, under the notion of the tyranny of the majority, integrates almost all the shortcomings of democracy that call into question the possibility of freedom.

Namely, Tocqueville notes that people, exposed to the unifying influences of mass culture, find it difficult to accept higher spiritual authority, guided mainly by the general opinion of the masses and down-to – earth, average criteria as a measure of value. With aspirations for equality, the tendency to trust the masses increases, which does not allow one to be drastically different from the overwhelming majority, even in virtue. Following such observations, the impression is that the equal position of all in slavery is

²¹ By democracy, Tocqueville meant, above all, a state marked by the absence of an aristocratic principle in the organization of society. He therefore believed that the spread of equality contributed to the spread of democracy, as well as that the essence of the democratic revolution was in the transition of an aristocratic (feudal) society to a democratic one. See: *Democracy and its borders: Alexis de Tocqueville and the problem of the tyranny of the majority*, p. 11, http://www.komunikacija.org.rs/komunikacija/knjige/index_html/knjiga11/02Tokvil.pdf [date of access: 8.06.2016].

²² K.H. Volkman-Schluck, *Political Philosophy, Thucydides, Kant, Tocqueville*, Zagreb 1977, p. 91.

preferred to freedom in diversity. This is supported by Tocqueville's allegations: "Democratic people cultivate a natural love of freedom; but according to equality they cultivate a fervent, insatiable, eternal, and uncontrollable passion; they want equality in freedom, and if they can't achieve it that way, they want equality in slavery. Poverty, subjugation, and barbarism they will suffer, but aristocracy they will not tolerate"²³.

However, as Tocqueville warns, people, although obsessed with radical egalitarian ideas, should never forget that they must first be spiritually and physically free to achieve equality before the law (right to work, social protection, education, political decision-making rights, action, free association, religiosity), since they are different in nature, i.e. intellectually unequal.

Measuring the ideas of freedom and equality, which are based on civil law, Tocqueville still gives priority to freedom and human dignity over equality, because according to him it is more important to hold on to freedom and dignity of spirit, soul, and body.

In this regard, Tocqueville emphasizes and predicts an even worse tyranny than the tyranny of the majority in the political sense, i.e. predicts the tyranny of the majority in a social (spiritual) sense.

The tyranny of the political majority

While his predecessors mostly understood political tyranny and violence of the majority over the minority and thus dealt with the tyranny of the political majority, Tocqueville, in the conditions of civil society, warned of the social side of the tyranny of the majority – the tyranny of public opinion and state authorities' omnipotence.

In the field of political institutions, the tyranny of the majority, according to Tocqueville, is most pronounced in the work of the legislature, because the legislature is elected directly and for a relatively short time, so it is subject to

²³ A. de Tocqueville, *About democracy in America*, Sremski Karlovci–Novi Sad 2002, p. 456.

influence not only from the general beliefs but also the daily demands of the majority. In addition, almost all the authority of power rests in the legislature, depriving the executive of its independence and subordinating it to the will of the legislature. It just means that the omnipotence of the majority increases the instability of the legislature, because frequent changes in the legislature lead to numerous changes in the law. In summary, the two greatest dangers to democracy lie in subordinating the legislator to the will of the electorate and in concentrating all power in the hands of the legislator.

Tocqueville recognizes in striving for unification in a democratic political system a form of tyranny of quantity over quality, that is, that in such a form of government there is a tendency for the average majority to rule over the above-average minority.

The majority that wins power in the elections can not only impose its will on the defeated minority, but also make it more difficult for it to speak out and express its own opinion on political matters. Then the influence of the majority is most pronounced in the legislative body, in which the majority is represented and which most consistently expresses its will.

In other words, it is a special form of tyranny called democratic despotism, which arises from the abolition of hierarchy, class differences and established ranks in society, creating a confused mass of almost identical and completely equal individuals, which is recognized as the only sovereign, but which is, in fact, deprived of all rights that could allow it to manage its authority (and even to supervise it), because above it stands only one proxy, who has the authority to do everything on its behalf without consulting it.²⁴

Therefore, under the principle of democracy, it can easily happen that the tyranny of an incompetent political majority, under the influence of political party leaders or the interests of their narrow party leadership, by demagoguery of empty promises, overcomes a competent political minority that would seek the fairest solution for everyone.

Thus, in the context of considering the tyranny of the majority in the political sense, the question arises of the possibility of an individual, who

²⁴ *Ibidem*, p. 165.

thinks differently from the average majority, to exercise their political and social rights, due to the potential danger of being outvoted by that majority.

Just like Montesquieu, the writers of *The Federalist Papers* and Tocqueville as well, if only to some extent, believed that the tyranny of the majority in the field of political institutions could be tempered by applying the principle of separation of powers, so that the natural strength of the majority was artificially diminished by appropriate political institutions. This can be achieved by breaking the power within the state into several branches, which oppose each other and limit each other, so that one power stops another power.

Studying American political institutions, in his work *Democracy in America*, Tocqueville expressed the opinion that the power of the majority, embodied in the legislative body, can be mostly limited by a strong executive power and a strong independent judiciary.

| Tyranny of public opinion (Social tyranny of the majority)

Since democratic ideology is based on the intellectual independence of individuals and taking into account that in every society there is a need for authority, as a source of unity, Tocqueville concludes that this source of unity in a democratic society is in the public opinion, which means tyranny of the majority.

In a situation where everyone has one vote and no one has a monopoly on objective truth, truth is what the majority decides. Precisely this, according to Tocqueville, was the way in which people, by learning conformism and treating opinions that deviate from the majority as bad, themselves contributed to limiting their own autonomy.

This would mean that the principle of majority rule in a democratic community leads to man increasingly renouncing spiritual freedom, individuality, and particularity, in favour of freedom and equality of all, so that the majority eventually completely overpowers and depersonalizes him. With this unification, in the end, the mass gets the full right to oppose any indi-

viduality, spiritual freedom, distinct diversity, peculiarity of personality with the power of the majority. Thus, the initial idea of equality, in its extreme, ultimately creates slavery.

The tyranny of general opinion, which oppresses man on all sides, in the name of equality in the crowd, in the end overcomes man so that there is no more freedom. Awareness of the omnipotence of the majority, i.e. public opinion, leads to the withdrawal of the individual, to the recognition of the moral and political superiority of the ruling opinion. Thus, equality without spiritual freedom, not allowing anyone to stand out much and pursue higher goals, ultimately gives birth to a strong central government and, in a political sense, the tyranny of the average majority which the above-average individual has no chance to oppose²⁵.

In the tyranny of the democratic majority, public opinion becomes the highest authority for the individual and man often begins to doubt his power to think differently from the majority, because “as in the monarchy there was a saying that the king cannot sin, in democracy the people (the majority) are always right”²⁶. Thus, the deep inner need for high spiritual and moral values of healthy individualism is replaced by general rules and forms of behaviour based on the principle of material well-being and adaptation to the low spirit of conformity to the majority.

Guided by Tocqueville’s views, John Stuart Mill points out the much greater danger that comes from the threat of average opinion, generally accepted taste, rules of conduct influenced by public opinion, because the tyranny of the majority in the social sense does not lead to the enslavement of the body, but of the person and free spirit. This spiritual tyranny of average thinking is not only a power of the majority over the above-average minority or individual, but over society as a whole and even humanity, given the globalization trends of planetary standardization and universalization of all spheres of life.

²⁵ A. de Tocqueville, *The Ancient Regime and the Revolution*, Sremski Karlovci–Novi Sad 1994, p. 314–325.

²⁶ *Ibidem*, p. 385.

The basic principle of democracy, that the majority is always right, equalizes and relativizes all values. Thus, the general opinion of the majority becomes a spiritual tyranny that extends to all spheres of society, so that mediocrity becomes the basic force of humanity, because the best opinions, words, deeds of exceptional individuals are increasingly devalued, and the average prevails. From the instinctive pursuit of equality, all values are compared to mediocrity and individuality is lost.

Tocqueville foresaw other dangers to the functioning of democracy, which include the growth of centralized government, caused by individualistic behaviour and behaviour in politics, which also include uniform treatment of all citizens, by rejecting regional differences and giving preference to the state as the main founder of social organization and the only organizer of collective action.

In his view, and as Norberto Bobbio once pointed out, the terror of the majority is a danger that threatens democracy and ultimately ends in despotism²⁷, but more a kind of despotism that is not directly tyranny, but more intrusive charity²⁸, responding to the needs of individuals and groups that are afraid to oppose public opinion, i.e. majority opinion, and who are so preoccupied with their private interests that they gladly accept a political system that provides them with economic benefits to the detriment of personal autonomy.

Radical egalitarianism corrupts individuals, leaving them vulnerable to ambitious people or elites who, in exchange for political support from the masses, promise to fulfil their needs and desires. In particular, debt forgiveness and redistribution of property²⁹ are, as Thornton states, mechanisms by which despotic regimes finance the hedonism of the people and fulfil their desires for legal freedom, with the aim of retaining power and political support. In

²⁷ N. Bobbio, *Liberalism and Democracy*, Zagreb 1992, p. 66.

²⁸ As Thornton states, of all tyrannies, it is most likely that the tyranny that is sincerely carried out for the “benefit” of its victims is, in fact, the most oppressive. For more see: B.S. Thornton, *op. cit.*

²⁹ As one of the fundamental dangers of democracy, there is a redistribution of property, which stems from the need to eliminate the most obvious sign of inequality, the material one, which leads to civil war or revolution. For more see: *ibidem.*

this Tocqueville saw a threat not only to freedom itself, but also to the thirst for freedom, as an ideal.

John Stuart Mill's Political Liberalism: Freedom and Individualism vs. Tyranny and Absolutism

The British philosopher, economist and statesman, John Stuart Mill (1802–1873), relied on democracy for individualism and freedom, as opposed to tyranny and absolutism.

Although recognizing the many shortcomings of democracy, majority rule, and the representative system, Mill believes that representative democracy ideally constitutes a democratic and aristocratic principle, or as he himself states: “Nothing can be less desirable than that everyone can participate in the sovereign power of the state. But since not everyone in a community that exceeds the size of a small town can personally participate... it follows that the ideal type of perfect government must be representative”³⁰.

However, he emphasizes that the worst thing in a democracy is that according to the general right to vote, the majority of the averagely educated can outvote the most educated and the most moral. He therefore believes that the votes of the most educated should be more valid. As not every vote is equally valuable to him, Mill proposes multiple voting or a “plural vote”, according to which the weight of each vote in the elections would depend on the degree of political competence of its holder, which would allow a professional and quality elite to impose itself on the average majority for the best and most professional exercise of power.

Mill, therefore, recalling the need to face the threat of the uneducated taking control of the educated, recommended a weighted electoral system in which educated voters would have additional votes, where all citizens, except the illiterate, criminals and those unable to earn a living, had the right to vote and at least one vote. Thus, more educated citizens would be graded in the

³⁰ J.S. Mill, *Selected Political Writings*, Zagreb 1989, p. 24.

range of two to five votes, and inclusion in democratic life would also not be denied to the masses.

However, as the fairest and best principle of such a plural vote has not yet been found, Mill himself concludes: “Until it takes pity and the public is ready to accept some way of multiple voting that would give the educated a more significant degree of influence as it deserves... it will not be possible to create a basis for introducing and confirming the benefits of universal suffrage”³¹.

In this sense, Mill’s remarks on the tyranny of the average majority follow Tocqueville’s teaching on the democratic tyranny of the average society, a tyranny of public opinion that is increasingly becoming a feature of democratic states and of all mankind.

Tocqueville, summarizing all the weaknesses of political equality in a democratic society, points out that even a moderate variant that would respect the inequality of social groups and equal influence in government, proposed by Montesquieu, does not seem possible. On this occasion, he himself testified: “So far, no political form has been discovered that would equally affect the development and well-being of all classes of which society consists”³².

Thus, Tocqueville does not believe that this tyranny of most average people could be so easily prevented by balancing between the legislature, the executive and the judiciary, nor that a mixed form of order and power could balance all different social groups.

However, in his work *On Representative Government*, Mill proposes the strict application of proportional representation, as an opportunity to reduce the danger that the political (numerical) majority outvotes the minority. Namely, as he claims, this proportional representation would reduce the possibility of tyranny of the political majority, ensuring that minorities are also represented in the parliament in proportion to their real strength. In this way, the parliament would no longer present a distorted picture, in which the actual election results of the minority (on the scale of the whole society) are significantly reduced in the parliament (considering the number of seats).

³¹ *Ibidem*, p. 100–101.

³² A. de Tocqueville, *The Ancien Regime...*, p. 202.

Freedom and tolerance of expression and (dis)information³³

As Lars Fredrik Händler Svendsen points out, the history of freedom of expression begins with Socrates' defence from 399 BC or with the Great Charter of Freedoms from 1215. Pluralism and tolerance in 8th and 9th century Muslim culture are also important. The principle of freedom of expression dates more to the modern historical context, after the Protestant Reformation and the religious and political conflicts it initiated. The first significant work on freedom of expression was written by John Milton – *Aeropagitica* (1644), as a reaction to the attempt of the British Parliament to stop publications with content that was considered undesirable for various reasons. John Milton put forward arguments in favour of freedom of expression, so he emphasized as the most important that the truth can be reached only if all existing views are considered, because the individual is not wise enough to find the truth for everyone else. Hence, “a multitude of ideas is crucial for the mind to be able to fulfil its task, namely, to seek the truth”³⁴. Thus, freedom of expression gains instrumental value in the pursuit of freedom within a liberal democratic model of government.

Liberal democracy is critically oriented, which means that it tends to ensure that all citizens have the right to express their views on the direction in which society is developing and to point out everything they consider wrong. Given the plurality of social groups and individuals with different interests, social harmony can only partially be achieved. However, the survival of these differences allows for the existence of functional public arenas for the violent articulation of differences. However, this is only possible under freedom of expression or a critical culture, a culture of dialogue that can only be achieved by realizing the demand for tolerance.

The essence of freedom of expression is that there is freedom and the possibility of public expression for every person. Just as freedom in society is

³³ Subtitle dedicated to *Svendsen's* discourse on freedom and tolerance of expression and (dis)information.

³⁴ L.F.H. Svendsen, *Philosophy of freedom*, Belgrade 2013, p. 249.

relative, freedom of expression cannot be absolute, but is always limited. Abolition of freedom of expression also means the abolition of liberal democracy.

Freedom of expression can be restricted (threatened) in several ways. Either through state sanctions, which are allowed by law, or through social restrictions, which John Stuart Mill spoke about in particular, emphasizing the spiral of silence that is created due to the social tyranny of the majority. Social restrictions refer to the price of expressing a point of view opposite to a strong social consensus on any topic, including certain social issues and problems. Because they are aware of this, people can often choose not to express themselves for fear of adverse reactions from the social environment. An additional threat is the pressure from private organizations which, for example, can threaten an individual with loss of means of support if they express a position that the organization does not represent.

The defence of freedom of expression stems from the assertion that democracy cannot exist without great freedom of expression, which views this freedom as a means of democratic development, while arguing that everyone has the right to freedom of expression, although it could be used to undermine democracy.

The defence of freedom of expression is what John Stuart Mill became famous for, thanks to his book *On Freedom* (1859). The notion of freedom is an essential cornerstone of Mill's political philosophy, but not a principle of benefit. Every topic (theological, scientific, moral, etc.) must be freely discussed, no matter how immoral it may seem. "If all men were of one opinion, and only one man against public opinion, then all mankind would have no more right to shut the mouth of that one man than that same man, only if he could, would have the right to command all mankind to be silent" – as once Mill said.

Mill believes that there are limits to freedom of expression and they, like the limits of other rights, are determined by his so-called principle of harm. Damage is usually interpreted as a violation of someone's rights. Mill's freedom of expression does not include statements that imply punishable fraud or coercion. Mill cites the example that it must be allowable to write an article in a newspaper about grain traders who allow the poor to starve, but that a person who says that in front of an angry mob standing in front of the house

of one of those traders can rightly be punished. Thus, Mill explicitly argues that any statement may lose its “immunity” if the circumstances in which it is presented are such that it constitutes an immediate call for harmful action. In practice, this will always be a matter of assessment.

In addition to freedom of expression, an important principle or virtue of liberal democracy is tolerance. The word comes from the Latin word *tolerantia*, which means to endure something. Tolerance has an undertone of condemnation (implicit or explicit). A man can only be tolerant of something he considers wrong in some way, or less valuable. He is tolerant only if he has critically assessed that something is unsuitable. He cannot be tolerant of his own perceptions and therefore not of other people’s perceptions that agree with his. A world where everyone agrees on everything would be a world without tolerance, because it would be completely unnecessary. Man cannot be tolerant even of attitudes which he has not considered critically, but is indifferent to them. In order to “tolerate” something, therefore, a person must first have a negative attitude towards it, then they must have the power to eliminate or fight against it and, finally, they must decide not to do it after all.

Tolerance requires acceptance of the right of others to live differently, think differently, and express different views. It does not require us to agree with everyone, but only not to force others to live, think, and express themselves like us. On the contrary, tolerance does not conflict at all with sharp criticism of what we tolerate. This is the essence of Voltaire’s famous formulation: “I do not agree with a single word you uttered, but I will defend your right to utter them to the death”. It is not the same as respecting the claim itself.

Tolerance is possible only under the assumption that a person does not agree with what they tolerate and in fact it is extremely intolerant to seek agreement with all other ways of living and thinking. Although true tolerance always contains an element of condemnation, it rests on a deeper insight into the importance of a plurality of understanding and living for the existence of individual freedom and a liberal society.

It is important to distinguish between moral and legal tolerance, between what we do not agree with, but what we will not attack with moral criticism or legal sanctions. Violations of the law should not be tolerated either legally or

morally. Other types of violations, one's religious beliefs, for example, should absolutely be tolerated legally, but not necessarily morally, depending on their purpose and consequences. Some other violations should be tolerated both legally and morally. The politically relevant issue is that of the limits of legal tolerance, while the limits of moral tolerance must be left to the individual and the civil sphere.

The defence of freedom of expression can be fully reconciled with a sharp critique of certain statements and a given culture of expression. Liberal rights provide citizens with space for independent decision-making, which, with certain restrictions, implies immoral choices. Freedom of expression gives people the opportunity to express themselves in a way that can be painful or offensive, even though it does not achieve anything good. The fact that a particular statement appears to be inaccurate or immoral is irrelevant in assessing whether it should be protected by the right to free expression. One of the pillars of a liberal society is the distinction between law and morality. It is permissible to be immoral, but immorality is certainly still immoral. We can make the strongest criticism of hate speech, but we must not attack it with laws.

People must have the right to express wrong or disgusting views, but one must also have the full right to point out that what they say is wrong or disgusting. One can defend someone's freedom of expression and criticize what that someone is saying.

| Instead of conclusion

After considering the problem discussed in the previous pages, all that remains is to point out some of the, largely known, ways of potentially resolving the tyranny of the majority, because, as this is a rather controversial phenomenon, it is not possible to claim a final solution to the dispute.

In this regard, it is impossible to overlook Tocqueville's demand for decentralization and the transfer of as much power as possible to local self-government, in order to increase the degree of people's participation in

controlling public affairs. Thus, Tocqueville once again underlined the need for a controlled and efficient decentralized government that would enable the freedom of individuals and thus the state, because no form of government in which power is not divided, spread, and balanced will escape the “tyranny of passion”, especially not democracy.

Thus, according to Tocqueville, the harmful consequences of democracy, i.e. the spread of equality without freedom, can be curbed by several social and political means, including the following: local self-government, independent judiciary, respect for legally prescribed procedures and forms, social and political association, freedom of expression, freedom of the press, tolerance, media literacy, etc.

As equality does not mean much if, first of all, we are not free, it is natural to argue that the arrogance of the government, which increasingly takes responsibility for human lives and well-being at the cost of individual autonomy, would be understandable and necessary to limit.

All this speaks in favour of the growing need to return to the constitutional ideals of limited power and civic self-government, through the possibility of resisting through civil society organizations, so that kinder and gentler leviathanism (consumerism) (which provides material “security” of citizens, meeting their needs in advance) would not reach the price of even greater interference and control of human life.

Following the findings of Gabriel Almond & Sidney Verba, who identified the role of civil society in a democratic order, forms of civil society promote awareness among citizens, who then take more useful steps in the electoral voting process, participate in politics, and moderate government action to a higher degree of accountability.

| REFERENCES

1. Aristotle, *Politics*, Belgrade 1960.
2. Bobbio N., *Liberalism and democracy*, Zagreb 1992.
3. Burke E., *Reflections on the Revolution in France*, London 1971.

4. Dahl R., *Democracy and its critics*, Podgorica 1999.
5. *Democracy and its borders: Alexis de Tocqueville and the problem of the tyranny of the majority*, http://www.komunikacija.org.rs/komunikacija/knjige/index_html/knjiga11/02Tokvil.pdf [date of access: 8.06.2016].
6. Hamilton A., Madison, J., Jay J., *The Federalist Papers*, New York 1961.
7. http://www.komunikacija.org.rs/komunikacija/knjige/index_html/knjiga11/02Tokvil.pdf [date of access: 8.06.2016].
8. Kecmanovic N., *Elements of government, Faculty of Political Sciences*, Belgrade 2011.
9. Lijphart A., *Democracy in plural societies*, Zagreb 1992.
10. Lijphart A., *Models of democracy*, Podgorica 2003.
11. Mill, J. S., *Considerations on Representative Government*, Indianapolis 1958.
12. Mill, J. S., *Selected Political Writings*, Zagreb 1989.
13. Radonjic R., *Democracy*, Podgorica 2004.
14. Rodin D., *Democracy is neither the rule of the people, nor the rule of the people?*, "Political Thought" 2006, vol. 43(3), p. 3–17.
15. Rousseau J.J., *The Social contract*, Belgrade 1949.
16. Savanović A., *The place of representative democracy in Aristotle's politics*, "Yearbook of the Law Faculty in Sarajevo" 2010, vol. 32, p. 307–327.
17. Svendsen L.F.H., *Philosophy of freedom*, Belgrade 2013.
18. Thornton B.S., *Democracy's dangers & discontents: The Tyranny of the Majority from the Greeks to Obama*, Washington 2014.
19. Tocqueville A. de, *About democracy in America*, Sremski Karlovci–Novi Sad 2002.
20. Tocqueville A. de, *The Ancien Regime and the Revolution*, Sremski Karlovci–Novi Sad 1994.
21. Volkmann-Schluck K.H., *Political Philosophy, Thucydides, Kant, Tocqueville*, Zagreb 1977.