

THE OPEN SOCIETY AND ITS CHALLENGES

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A CONTESTED CONCEPT

When Institutions for Open Societies started as a strategic theme at Utrecht University, we spent much time and effort discussing as well as defining the concept of ‘institution’. Different disciplines had different views on which social phenomena qualify as an institution. By contrast, the ‘open society’ has received very little attention. It has been a sort of neutral appendix to our strategic theme that was more or less taken for granted. We cannot afford to do so anymore.

Over the past decade, the notion of the ‘open society’ has become highly contested, both as a normative ideal and as an empirical reality. This situation is not only the case in countries that have never been open societies, such as the former Soviet Union or communist China. Democratic backsliding can be observed in many new democracies such as Brazil, Turkey, the Philippines, Poland and Hungary, where authoritarian rulers have little concern for the rule of law. Even in established democracies such as the US and Western Europe, the notion of the open society has come under fire in a variety of ways. New populist parties have successfully campaigned on majoritarian notions of democracy in which there is little respect for constitutional checks and balances or for the civil liberties of minorities.

According to Freedom House, there has been a global decline in political rights and civil liberties for an alarming 13 consecutive years, from 2005 to 2018: ‘The global average score has declined each year, and countries with net score declines have consistently outnumbered those with net improvements.’ (Freedom House, 2019).

The notion of the open society is not only contested politically; it is also a contested concept in a more intellectual sense (Gallie, 1956). First, the notion of an ‘open society’ is a ‘topos’, a commonplace phrase that denotes a normative evaluation. It can be used as an authoritative shorthand in intellectual and political debates to rally support or to discredit opponents. One way to study the notion of ‘open society’ would be to trace how the notion has been used strategically in political discourse. Second, as with other abstract, qualitative notions such as ‘democracy’ or ‘responsibility’, there is a variety of meanings attached to the concept and there is no consensus on what an ‘open society’ is or should be. Another way to study the notion of ‘open society’ would be to analyse how the notion has been contested over time in intellectual debates.

Third, as different disciplines and intellectual traditions have different views of what constitutes an open society, they consequently perceive different threats and challenges as well.

In this paper, I will focus on the third type of analysis by distinguishing philosophical, cultural, socio-economic and constitutional perspectives on the open society. These academic perspectives are closely related, but they are distinct – just as family members share many traits and yet are individually distinguishable. Each perspective identifies somewhat different threats and challenges. distinguishable. Each perspective identifies somewhat different threats and challenges.

PHILOSOPHICAL PERSPECTIVES

Any discussion of the open society cannot afford to pass over the seminal work of Karl Popper (1945), who coined the concept of ‘open society’. In his book *The Open Society and its Enemies*, Popper reflected on the intellectual roots of the rise of totalitarianism in the 20th century. According to Popper, the intellectual origins of modern totalitarianism go back to the writings of Plato, Hegel and Marx. These ‘enemies of the open society’ share a historicist worldview, according to which the fate of mankind is determined by grand historical trends and absolutist principles, which are only accessible by intellectual elites. In opposition to these ‘deterministic’ thinkers, Popper championed the humanist ideal of the open society. According to Popper, an open society is characterised by:



- personal and individual responsibility;
- critical rationalism;
- the recognition of human fallibility;
- falsification as the core of scientific reasoning;
- the recognition that institutions are man made;
- piecemeal social engineering.

For Popper, the opposite of an open society was a totalitarian society, in which laws, institutions and scientific principles are beyond criticism because they are God-given, based on a natural order or derived from universal truths.

From a Popperian perspective, a major contemporary challenge to the ideal of an open society would be the rise of anti-intellectualism and non-scientific reasoning. Examples could be the denial of climate change, the abundance of conspiracy theories on the Internet and the distrust of scientific expertise regarding vaccination. Another challenge could be the rise of identity politics, in particular the tendency to regard individuals as group members who share collective identities and collective responsibilities instead of as individual persons with specific personal, hybrid identities as well as specific individual responsibilities.

Popper's interpretation of Western philosophy is rather personal – some would even say idiosyncratic – and can be understood as a private quest to identify the intellectual origins of the rise of totalitarianism in Nazi Germany and in the Soviet Union. From a broader philosophical perspective, the notion of an 'open society' is part of a long liberal philosophical tradition that emphasizes individual autonomy, liberty, and personal emancipation. The 'open society' is a normative ideal that is based on the notion that the autonomy and rights of individual citizens deserve respect and are the ultimate basis for the legitimate exercise of public power.

This liberal philosophical tradition came to a full development in the European Enlightenment. It is an attempt to legitimize and limit the exercise of public power on the basis of individual liberties and popular sovereignty, instead of on tradition, theocracy, or *raison d'état*. Major thinkers in this tradition are Rousseau, Locke, Kant, Mill, and Rawls. According to this liberal philosophical tradition, an open society is characterised by:

- individual autonomy;
- popular sovereignty;
- civil liberties as inalienable rights;
- equal opportunity;
- open enquiry and free conscience.

From this liberal philosophical perspective, the opposite of an open society is an *illiberal* society, in which the personal autonomy and freedom of individual citizens are not respected.

Seen from this broader liberal perspective, the contemporary world is filled with challenges. Across the world, political liberalism is under siege. The wave of democratisation after the demise of communism has begun to roll back. According to Freedom House, the share of Not Free countries has risen to 26 per cent since 2005, while the share of Free countries has declined to 44 per cent (Freedom House, 2019). The Soviet Union and communist China may have converted to market economies, but this fact does not mean that they have become liberal societies. On the contrary, Russia is a democracy in name only and Putin has turned it into an illiberal state. Under the regime of Xi, China is rapidly becoming an oppressive state in which millions of citizens are detained in concentration camps and large parts of the population are under close surveillance of the state with the help of advanced information technologies.

SOCIO-CULTURAL PERSPECTIVES

The notion of the open society also has a *socio-cultural* dimension, which is closely connected to this Enlightenment tradition. An open society is characterised by cultural openness, religious tolerance and artistic pluralism. In an open society, any religious, cultural or ideological dogma can be the object of criticism and public scrutiny. This socio-cultural perspective on the open society has its roots in early modern processes of secularisation and religious pluralism, particularly in the cities of Northern Italy and the Low Countries (Berman, 1983). In an open society, arts, sciences, politics and religion are separate spheres with their own autonomy. None of these spheres has dominance over the others. Religion and politics should be separated, neither should they be allowed to interfere with the arts and sciences. This separation of state, church, and arts and sciences implies a series of socio-cultural freedoms and institutions:

- absence of censorship;
- freedom of press;
- freedom of speech;
- academic freedom;
- religious tolerance;
- an open and vibrant public sphere.

The opposite of an open society, from this socio-cultural perspective, is a dogmatic society in which there is no room for criticism, dissidence and pluralism.

From this perspective, a major contemporary challenge has been the rise of radical Islam. Across the Islamic world, Salafist or Wahhabi interpretations of the Quran have been on the rise, often financed by theocratic regimes in the Middle East. In these orthodox interpretations, there is only one, God-given truth, which is why critics, apostates and infidels may be persecuted.

In Western democracies, often as a reaction to the rise of radical Islam, tolerance of Muslim minorities is under pressure. Likewise, the tendency of a range of populist leaders to discredit the media and to frame any critical reporting as ‘fake news’ undermines the freedom of the press. In a similar vein, academic freedom is under attack in various EU Member States such as in Hungary, where the Orbán regime forced the Central European University to close its doors. A more secular, albeit rather minor challenge in the Western academic world is the demand for ‘safe spaces’ in the universities, which may result in censorship and intellectual closure.

SOCIO-ECONOMIC PERSPECTIVES

Third, the notion of ‘open society’ also has a more empirical dimension. From a socio-economic point of view, an open society is dynamic, heterogeneous and inclusive. For example, open societies are characterised by:

- high degrees of social mobility;
- high degrees of geographic mobility;
- a broad availability of material means for individual development;
- low thresholds for entering markets;
- low thresholds for citizenship;
- low thresholds for membership of political and economic elites;
- relatively open borders;
- a high tolerance for social, technological and cultural innovation.

The opposite of an open society is a closed society, in which social stratification is based on ascription rather than on merit, citizens do not migrate beyond their ancestral homelands, markets are absent or inaccessible for outsiders, and in which cultural and technological conservatism are dominant.

From this socio-economic perspective, many Western societies are becoming less open. Economic inequalities are increasing within many countries. After decades of social mobility and economic growth, the promises of meritocracy cannot be kept anymore. Social, cultural and economic capital once again determine social stratification, instead of merit. Children from well-educated families do much better in schools and have more successful careers than equally intelligent children from less well-educated families. Likewise, political elites have become educational elites. In many Western societies, it has become more difficult to obtain citizenship and there are strong political pressures to close the borders for immigrants.

CONSTITUTIONAL PERSPECTIVES

Finally, the open society is also a *constitutional* model. In modern legal theory, the notion of an open society refers to a specific form of public governance.

In an open society, might does not make right; power is only legitimate if it is based on specific procedures and exercised in accordance with explicit rules. This model is the legal translation of the notion of a liberal democracy. An open society, in the constitutional sense, has the following characteristics:

- public power is exercised on the basis of clear and general laws;
- the construction of these laws is based on parliamentary sovereignty;
- rule-making bodies are representative of and responsive to the population;
- there are democratic elections, majority rule and minority rights;
- the exercise of powers is equitable, in accordance with fair and just procedures;
- individual citizens have access to an independent judiciary;
- governance is transparent and accountable.



From this perspective, the opposite of an open society is an *authoritarian* or *totalitarian* regime. Prime examples of the latter in the 20th century were Nazi Germany, the Soviet Union, communist China and Cambodia under the Khmer Rouge. Recently, Venezuela is a case in point.

From this perspective, the rise of majoritarian notions of democracy is a major challenge. In contemporary democracies, many populist leaders espouse a majoritarian idea of democracy, in which the winner takes all. An electoral victory, even if it is with a tiny majority, is seen as a licence to dominate. As Donald Trump characteristically expressed it: ‘I won. You lost. Now you shut up.’ In these populist, majoritarian interpretations of democracy, there is little respect for the constitutional checks and balances that have been put in place to curb power. These mechanisms, such as the rule of law, minority rights, good governance, an independent judiciary, transparency and accountability, are presented as bureaucratic obstacles that stand in the way of the exercise of the will of the people. Examples of this type of challenge are the autocratic policies of Erdoğan in Turkey, Orbán in Hungary, Duterte in the Philippines and Bolsonaro in Brazil.

VARIETIES OF OPENNESS

By distinguishing different perspectives, we can get a more multi-dimensional understanding of the openness of societies. There is a large variety of regimes in terms of openness. For example, the more normative elements based on the liberal, socio-cultural and constitutional perspectives do not always coincide with the socio-economic aspects of the open society. Using these two dimensions, one could plot various countries in terms of openness:

Table 1: Two dimensions of openness

Constitutional	++	--
Socio-economic		
++	EU	CHINA
--	US	RUSSIA

Countries that do well in terms of constitutional checks and balances, such as the US and many EU Member States, have been performing less well in terms of social mobility over the past decade and have showed rising thresholds for membership of political and economic elites (Bovens & Wille, 2017). By contrast, China has been characterised in the past decades by high degrees of social and geographic mobility as well as a high tolerance for social and technological innovation, but by decreasing respect for individual rights and a strong increase in autocracy. Russia, under the regime of Putin, seems to be stagnating in socio-economic as well as in cultural and political perspectives on openness.

OLD AND NEW CHALLENGES

Some of the threats to the open society are rather familiar. The autocratic policies of Erdoğan, Orbán, Duterte and Bolsonaro are typical cases of democratic backsliding; lapses into twentieth- or even nineteenth-century political practices. They are twenty-first century versions of the populist *caudillos* in South America and of the fascist dictators in Italy, Spain and Portugal. Other threats, such as the rise of free-market totalitarianism in mainland China and Russia, are novel hybrids of capitalism, communism and nationalism.

However, in the 21st century with its massive waves of globalisation, a series of novel challenges to the ideal of the open society can be observed.

How can we establish constitutional checks and balances beyond the nation states? How can we apply these constitutional ideals to policy challenges that go far beyond national borders, such as dealing with climate change, combatting international terrorism or curbing the power of ‘Big Tech’? It may well be that in contemporary Western democracies, major threats to some forms of openness do not come from state institutions, but from Facebook, Huawei or Google.

THE LIMITS OF OPENNESS

Another challenge concerns the limits of openness. How much openness can a society endure before it ceases to be a society? Similar issues have risen with regard to transparency (O’Neill, 2002; Grimmelikhuijsen, 2012). Complete transparency is undesirable for corporations and public institutions, because it blocks innovation as well as creativity and may diminish legitimacy in the long run. Full disclosure is unbearable for individual citizens, as it robs them of any form of privacy.

Societies, as any social institution, cannot exist without some form of closure. No contemporary society, not even the most liberal democracy, is fully open in terms of border control and access to citizenship. Welfare regimes are untenable, economically and politically, without limitations to access. The same is true for a variety of other institutions, such as universities, schools, cooperatives and civil-society organisations. They cannot survive without some forms of closure and exclusion.

This observation raises another series of intellectual challenges. Some analytical issues are: what constitutes a ‘society’ and what defines the boundaries of an open society? Empirical issues are: which forms of exclusion are more effective than others and are considered more legitimate by citizens as well as members?

Likewise, the normative issues are: which limits to membership and citizenship are legitimate in liberal democracies? Different notions of what constitutes a society will lead to different justifications of limits to citizenship – food for thought and topics for future IOS Think Papers.

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