Liberalism on Truth and Governance

Aaron J. Ancell

[aaron.ancell@gmail.com](mailto:aaron.ancell@gmail.com)

word count: 9016

# Introduction

Liberalism has a complicated and sometimes uneasy relationship with truth. On one hand, liberalism requires that truth be widely valued and widely shared. It demands that governments be truthful and that citizens have ready access to numerous truths. Some liberals even take facilitating the discovery and dissemination of truth to be part of the *raison d'être* of liberal institutions. On the other hand, liberalism is averse to proclaiming or enforcing truth. It detaches truth from political legitimacy and deems certain truths unfit to serve as bases of government. Some liberals have even suggested that liberal theory must work “without the concept of truth.”[[1]](#footnote-1) How has liberalism come to both demand truth and eschew it? This introductory section provides the beginnings of an answer by surveying some of the origins and core elements of liberal thought.

Liberalism is not a single cohesive doctrine or normative theory; it is an array of different views united by a set of shared ideas and values that liberals draw from, interpret, and connect in different ways.[[2]](#footnote-2) Chief among those values, both historically and conceptually, is liberty. Though liberals disagree fiercely about what liberty is, and thereby about what protecting and promoting liberty requires, different liberalisms all afford liberty a prime position within their respective constellations of values. That is standardly done by way of a presumption in favor of liberty; people are presumed to be free until there is a sufficient justification for limiting their freedom. In the words of John Stuart Mill, “the burden of proof is supposed to be with those who are against liberty; who contend for any restriction or prohibition.”[[3]](#footnote-3) When and how this burden of proof can be met are subjects of longstanding disagreement among liberals. Much of that disagreement concerns the extent to which other values such as justice and equality provide adequate grounds for the imposition of laws and institutions that constrain individual freedoms.

Liberalism’s emphasis on liberty stems from its historical roots in social movements against tyranny and arbitrary rule. It coalesced in the seventeenth century as people sought to escape oppression and exploitation wrought by despots, autocratic churches, and rigid feudal hierarchies. Early liberals (and their precursors) challenged prevailing views that saw hereditary hierarchies and absolute authorities as parts of the natural (or divine) order of things. These received views held that people are born into servitude to rulers and that rulers may wield their power in any way they see fit. Against this, liberals argued that people are born free and that rulers cannot legitimately limit people’s freedom without sufficient justification.[[4]](#footnote-4)

The liberal presumption in favor of liberty makes it necessary to justify the existence and authority of law and government. The task is to explain when and why it is legitimate for governments to use (or threaten) coercion to enforce laws and edicts that limit people’s freedom. To do this, many liberals turn to the notion of a social contract. The basic idea of such a contract is that the governed consent to the limits on their freedom imposed by law and government in exchange for the benefits that law and government provide, mainly protecting and promoting the rights and interests of the governed.[[5]](#footnote-5) Even liberals who reject the notion of a social contract generally accept the underlying idea that the purpose and justification of political authority arises from the protection and benefits that law and government provide.[[6]](#footnote-6)

Vesting governments with the powers necessary to effectively protect the rights of the governed brings with it a “constant danger” that those powers will be misused.[[7]](#footnote-7) Liberals have long recognized that governments cannot be trusted to abstain from corruption and abuse unless there are checks in place to keep governments within their rightful bounds. That is one reason that liberals have traditionally advocated for robust rights of freedom of expression and freedom of the press. Such rights restrict the ability of governments to control the spread of information about their activities, thereby making it easier for abuses of government power to be detected and dealt with accordingly. In that regard, liberals see facilitating the discovery and dissemination of certain truths—truths about what the government is up to—as a defense against tyranny.[[8]](#footnote-8)

Representation is another check on the power of government. Early liberal reforms took some power from monarchs and dispersed it to representatives of the aristocracy and other social classes. But, historically, many liberals were wary of democracy and of granting an equal vote to all citizens because they feared that uneducated masses would have too much sway and that majorities would tyrannize minorities.[[9]](#footnote-9) Those fears prompted some of the educational reforms and safeguards for minorities that were introduced throughout the eighteenth and nineteenth centuries. Through the twentieth century, liberals came to regard the right to participate in the political process as an established right that must be afforded to all citizens. Indeed, by the mid-twentieth century this right was so widely acknowledged that it was enshrined in the United Nations Charter of Human Rights.[[10]](#footnote-10) Today, liberalism and democracy are so intertwined, both in theory and in practice, that they are widely regarded as inseparable.

Two kinds of considerations have tied liberalism to democracy. First, many argue that core liberal principles and values entail democratic government. Such arguments often proceed by articulating a liberal right to self-determination, autonomy, political equality, or some other such thing, and then trying to show that democracy is the only form of government compatible with that right.[[11]](#footnote-11) Second, many argue that even if liberal principles and values do not entail democracy, democracy is nonetheless instrumental to the successful realization of liberalism. They contend that democracies, as a matter of fact, accomplish the central purpose of a liberal government—protecting the rights and promoting the interests of the governed—better than any other form of political rule.[[12]](#footnote-12)

The union of liberalism and democracy provides additional arguments for government transparency, freedom of expression, and freedom of the press. A flourishing democracy depends on an informed and politically active citizenry. People must be able to express their own political views—including, sometimes, political dissent—and they must be able to hear and discuss the views of others. People must also have access to a wide range of information about political candidates, the activities of government, proposed and existing laws, and other politically relevant facts. This requires, among other things, that the government be open and truthful about its doings; secrecy and deception, though sometimes justified, impede the electorate’s ability to evaluate the government and hold it accountable. More generally, democracy requires that truth be widely accessible and widely shared—a point I return to later in the section titled “Governance”.[[13]](#footnote-13)

Though liberalism requires that truth be widely dispersed, liberals generally balk at efforts to impose the truth on people or penalize those who express falsehoods. The liberal presumption in favor of liberty, together with several more specific arguments for freedom of expression, allow for only a narrow range of cases where governments may enforce truth-telling or suppress the spread of falsehoods. Encapsulating the liberal ethos, Locke writes, “The business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth, and of every particular man’s goods and person.”[[14]](#footnote-14) That is not to say that liberals are all rigid absolutists about free speech, but they generally agree that the range of legitimate reasons for regulating speech is quite limited, and that, in the vast majority of cases, false or deceptive speech should not be outlawed. I return to these issues later in the section titled “Regulation”.

Another reason for which liberals insist on tolerating putative falsehoods is to enable people of different faiths and creeds to live together in peace. Such reasoning gained prominence in response to growing divisions and violence within Christendom that arose during the Reformation (though the idea of religious toleration was articulated by many thinkers long before that). As former religious monopolies fractured into competing, and frequently warring, sects, people sought ways of enabling people to live together without having religious doctrines at odds with their own forcibly imposed on them. In broader terms, people faced a problem that endures as a focal point of liberal thought: how can people live together in peace when they disagree about how people ought to live? The answer that has become central to liberal thought is *mutual toleration*: citizens afford each other the freedom to live and worship as they please subject only to whatever limits are necessary to protect the rights of others.[[15]](#footnote-15) That answer is not just a pragmatic solution to a real-world problem; it has a principled basis in liberalism’s general presumption in favor of liberty: People are presumed to be free to live and worship as they please except when there is sufficient reason to limit that freedom to protect the rights and interests of others, and the mere fact that a religion is false is not such a sufficient reason. Thus, citizens and their governments generally must tolerate the expression and practice of different religions even when they regard those religions as false.

In the twentieth century, some liberals extended the logic of mutual toleration to develop a more general doctrine of liberal neutrality. Whereas, historically, liberals typically accepted that the state may (or even should) promote particular secular ideals, such as the development of individuality or the exercise of rational autonomy, many liberals now contend that the government should refrain, as much as possible, from imposing or promoting any particular conception of the good life.[[16]](#footnote-16) In the words of John Rawls, a liberal society “can never be guided by what we see as the whole truth.”[[17]](#footnote-17) Instead, Rawls argues, government must proceed on the basis of a consensus among citizens who disagree about important truths, including truths about how people ought to lead their lives. That requires that citizens and their governments generally abstain from appealing to such truths in the course of publicly justifying the basic principles, norms, and institutions of society. Indeed, Rawls contends that a liberal conception of justice should abstain from appealing even to the notion of truth itself.[[18]](#footnote-18) Whether liberalism can or should eschew truth in that way remains a point of controversy within liberal philosophy.[[19]](#footnote-19)

What about the status of liberalism itself? Is liberalism (or some specific version of it) a universal truth about how human societies ought to be organized and governed? Some liberals believe that it is, insisting that, in the words of Ronald Dworkin, “If liberalism is true for some… it is true for everyone.”[[20]](#footnote-20) Proponents of that view contend that any good society must be, in essence, a liberal society. Often that is on the grounds that only a liberal society protects certain fundamental human rights or interests.[[21]](#footnote-21) Other liberals argue that liberalism is culturally specific. Rawls, for example, contends that liberalism is appropriate only where certain fundamental liberal ideas are already widely accepted. Though Rawls recognizes the universality of basic human rights, he denies that those rights entail or require that a decent society must be a liberal society.[[22]](#footnote-22) The extent to which liberalism is a set of universal truths that ought to be realized by every human society is thus a matter of dispute among liberals.

Having surveyed some of the groundwork upon which the complicated relationship between liberalism and truth is built, it is now time to examine several facets of that relationship in greater detail.

# Truth

Liberalism does not have a distinctive definition of truth. Nor does liberalism have distinctive definitions of honesty, lying, and deception. In practice, liberals typically operate with common definitions of these notions of the kind found in any standard English dictionary: Something is true if it is actually the case, false if it is not. To speak honestly is to say what you believe to be true. To lie is to assert something you believe to be false with the intention of making others believe it is true. To deceive is to obscure or distort the truth by lying or other means such as implying something you believe is untrue without actually saying it. Saying something false is not necessarily lying or deception; one may erroneously believe that what one says is true, or one may say it without the intention of causing others to believe it (as when I sarcastically remark “What a beautiful day!” in the midst of a torrential downpour). While many philosophers have offered more sophisticated accounts of these things, no such account is particular or essential to liberalism.

Though liberalism does not proffer a distinctive definition of truth, it does make claims about the nature of certain kinds of truth. For one thing, liberalism contends that the truths that people must know to share in government and participate in public life are not the exclusive domain of a privileged few. In other words, liberalism denies that there is some special subset of people who process exclusive access to important truths in a way that makes those people fit to serve as rulers and arbiters of truth over everyone else. Liberalism thereby rejects, for example, Plato’s vision of a society ruled by philosopher kings equipped with special knowledge of the deepest truths.[[23]](#footnote-23) That is not to say that the citizens of a liberal society do not (or should not) ever defer to experts. Rather, the point is that the citizens of a liberal society are generally presumed to be capable of determining for themselves where the truth lies and when they ought to defer to others.

Liberalism also claims that many important truths admit of *reasonable disagreement*. Indeed, one of the standard liberal arguments for mutual toleration is built on the premise that people who sincerely seek the truth about life’s most important questions can reasonably arrive at very different answers. Locke, for example, writing for a mostly Christian audience, says, “You cannot but allow that there are many Turks who sincerely seek Truth, to whom yet you could never bring Evidence sufficient to convince them of the truth of the Christian Religion.”[[24]](#footnote-24) The claim is not that there are no truths about such matters; liberalism is not nihilism. Rather, the claim is that some important truths about how we ought to live are not so obvious, easily accessible, or unambiguous that all reasonable people are bound, or even likely, to reach the same conclusions.

Different liberals offer different accounts of the sources of reasonable disagreement.[[25]](#footnote-25) However, the practical upshot of those different accounts remains more or less the same: When it comes to public life, we should recognize that our own convictions and ways of life are not the only reasonable ones, and that it is therefore inappropriate for us to try to impose our convictions and ways of life on others. We need not give up believing that our own convictions are true, but we must recognize that others also reasonably believe that their own convictions are true, and that we have no greater right to act as an arbiter of truth for others than they have a right to act as arbiters of truth for us. Reasonable disagreement calls for mutual toleration of others’ reasonable convictions and ways of life.

Of course, not all truths are subject to reasonable disagreement and not all ways of life are morally legitimate. Given the available arguments and evidence, no one can reasonably dispute that the earth is spherical rather than flat, that the holocaust actually occurred, and that inciting genocide is morally wrong. The extent to which liberalism should allow for disagreement about such matters is subject to much debate. Though there are clear cases on either side—no one should be thrown in jail for insisting that the earth is flat, but we need not allow incitements to genocide—exactly where and how to draw the line are matters of dispute. Much of the debate focuses on the extent to which liberal societies should accommodate convictions and ways of life that are at odds with liberal values such as social equality and individual autonomy.[[26]](#footnote-26) The issue is particularly acute when religious or cultural groups seek to educate their children in ways that undercut the realization of such values. Many liberals contend that the state should intervene in such cases to ensure the inculcation of liberal values; others argue that the state should accommodate such groups so long as they are not severely undermining their children’s futures.[[27]](#footnote-27)

# Morality

There is no distinctively liberal view about why truth-telling is generally morally good or about when it is morally permissible to lie. Generally speaking, liberalism regards such questions as matters for each person to determine in accordance with their own convictions. Some liberal philosophers propose answers, but their answers are not essential to their visions of liberalism. Moreover, the answers they propose differ widely.

Consider, for example, two of the most influential figures within the broad liberal canon, John Stuart Mill and Immanuel Kant. Mill, in keeping with his utilitarianism, argues that telling the truth is usually the right thing to do because it tends to produce good consequences; truth-telling establishes trust, and widespread trust in what others say is necessary for civilization and social well-being. However, sometimes lying will result in better consequences—for example, by protecting someone from grievous harm. In such cases, Mill allows that lying is morally permissible. Indeed, in cases where more good than harm will be done by lying, utilitarianism implies that lying is not only permissible, but morally required.[[28]](#footnote-28) Kant, on the other hand, contends that lying is never morally permissible. In his essay “On a Supposed Right to Lie,” Kant famously maintains that it is always wrong to lie, even to protect someone from a murderer who inquiries about his would-be-victim’s whereabouts. In Kant’s view, lying is inherently wrong because it involves treating another person as a mere means to our own ends—ends that, in virtue of the lie, the other person is unaware of and therefore cannot autonomously endorse as her own.[[29]](#footnote-29) The divergence between Mill’s view and Kant’s view illustrates the range of different views about the morality of truth-telling and deception that liberalism can embrace.

There are, however, some limits to the range of views that liberalism can countenance. For example, the egoistic view that lying for personal gain is always permissible is incompatible with a functioning liberal society—probably it is incompatible with *any* functioning society. That is because a functioning society requires effective communication between its members, and effective communication requires a presumption that others are generally truthful—a presumption that could not be sustained in a society where everyone lies whenever it suits them. So, liberalism requires that people generally be honest, but it does not provide a detailed account of when and why people should tell the truth.

Though liberalism does not provide a complete account of when and why people should tell the truth, it does demand truth-telling in particular circumstances and from people acting in particular capacities. For example, liberalism demands that people be honest when testifying in a court of law and that government officials generally be honest with the public. Liberalism demands truth-telling in such cases because truth-telling is necessary for the practices and institutions in question to function properly. Subsequent sections discuss some of liberalism’s needs for truth and truth-telling in greater detail.

# Governance

Effective governance of any kind—liberal or not—requires knowledge of some truths. This is so for the simple reason that a government is unlikely to achieve its goals unless it has true beliefs about how to achieve them.[[30]](#footnote-30) Given that no person can singlehandedly know everything necessary to govern effectively, effective governance of any kind also requires some truth-telling, at least within the government. Even a dictator cannot act effectively unless he is provided with accurate information to act on and his orders are truthfully conveyed down the chain of command.

What distinguishes a liberal regime from an illiberal one is not the need for truth and truth-telling, but rather the kinds of truths the government can legitimately act on and the range of people to whom the truth must be accessible. A theocratic government may act on the basis of religious truths, whereas a liberal government cannot. An authoritarian regime can achieve its aims even if the truth about its workings is known only to the ruling few, whereas a flourishing liberal society requires that such truths be widely known and readily shared. This section considers liberalism’s demands for truth and truth-telling in government, then turns to the relationship between truth and political legitimacy.

Why does liberalism require widely dispersed truth? One answer goes back to liberalism’s historical roots in movements against tyranny: To prevent government corruption and abuse the government must be held in check. To effectively hold the government in check, someone other than the government must know what the government is up to; a tyrannical government cannot be checked by anyone who does not realize it is tyrannical. In theory, the responsibility of monitoring and checking the government could be entrusted to a chosen few. But the same worry about tyranny that arises with respect to government also arises with respect to any group charged with keeping the government in check. The power of that group must also be checked to prevent it from becoming part of a tyranny against the remainder of society. So rather than demand that truths about the government’s activities be available only to some privileged few, liberalism demands that such truths be “available, with restrictions, to all the potentially tyrannized.”[[31]](#footnote-31)

Another reason that liberalism requires widely dispersed truth is that it widely disperses political decision-making. Since effective political decision making requires truth, the dispersion of decision-making power requires the dispersion of truth as well. Liberal societies typically disperse political decision-making in two ways. First, the government is divided into separate branches and subbranches with different duties and authorities. This usually includes an executive branch which may be further subdivided into different ministries and agencies; a legislative branch that may be subdivided into different legislative chambers and committees; and a judicial branch that may be subdivided into different levels and jurisdictions.[[32]](#footnote-32) Each branch and subbranch has some degree of independence, but they also depend on one another for the knowledge needed to act effectively and to coordinate their efforts. Each branch must know what the others are doing, and each must have access to much of the knowledge and information held by the others. Liberal societies thereby require that truths be widely dispersed *within* the government.

The second way liberal societies disperse political power is via liberalism’s union with democracy. Ordinary citizens are given the power to shape their government and laws by way of votes in elections and plebiscites, as well as by way of rights to speak and be heard about government decisions that affect them. Effectively exercising those rights and powers requires that citizens have access to a wide range of truths. Minimally, voters must have access to truths about the platforms, records, and characters of candidates and political parties, as well as truths about any proposed laws or courses of action that are put to voters in plebiscites. Without access to such truths, citizens cannot be informed voters. To assess the platforms and proposals of political parties, candidates, and elected officials, citizens must also have access to truths about prevailing economic, social, environmental, and political conditions, as well as truths about how proposed laws or courses of action are liable to change those conditions over time. Finally, voters must also have access to truths about what the current government has done and about the effects the government’s actions have had. All of those truths must be widely accessible for the citizens of a liberal democracy to effectively select their governments and hold them to account.

The representative aspect of modern democracies also creates special demands for truth. There are longstanding debates about the precise role and duties of political representatives, but prevailing conceptions of political representation generally require that citizens can trust their representatives and that citizens can hold their representatives accountable.[[33]](#footnote-33) Trust requires honesty and accountability requires knowledge; an elected representative who routinely lies to her constituents is liable to lose their trust, and constituents cannot hold their representatives accountable without access to truths about the actions of those representatives. Effective political representation thereby demands that elected representatives be honest with their constituents and that constituents have access to truths about their representatives.

The need to prevent abuses of political power, the need for an informed electorate, and the need for honesty in political representation all converge on the conclusion that the citizens of a liberal society must have ready access to a wide range of truths, especially to truths about the activities of their governments. That conclusion creates two general demands: First, governments must generally be open and honest about their doings. Second, information must be permitted to flow freely through society. The first demand grounds a presumption that governments ought to tell the truth as well as various measures aimed at increasing the transparency of governments. The second demand grounds robust rights to freedom of expression that preclude governments from erecting barriers that inhibit the flow of information through society. The remainder of this section briefly considers some limits on truth-telling by governments before moving on to the relationship between truth and political legitimacy. The scope and limits of freedom of expression are explored in the subsequent section titled “Regulation”.

Under what circumstances can the presumption that the government ought to tell the truth be rebutted? Liberals disagree about the details, but the standard answer runs roughly as follows: The purpose of a liberal government is to protect and promote the rights and interests of the governed. A liberal government may sometimes engage in secrecy and deception when doing so is necessary for this purpose.[[34]](#footnote-34) For example, a liberal regime must keep its people safe, and secrecy about its military and security operations is sometimes necessary to do so—no reasonable person believes that the U.S. nuclear codes should be given to every American citizen. Other restrictions stem from the need to protect citizens’ privacy. For example, the government is under no obligation to publish my personal tax return, nor should it; to do so would be an unwarranted violation of my right to privacy. So, although liberalism demands that governments generally be truthful, especially about their own activities, liberalism also gives governments permission—sometimes even obligations—to withhold certain truths in order to protect the rights and interests of the governed.

Though liberalism demands that governments generally be open and truthful, it does not make acting on the basis of truth a condition of political legitimacy. Liberals disagree about what exactly is required for a government to act legitimately. One prominent family of views, closely tied to the social contract tradition, holds that the legitimacy of government derives from the consent of the governed.[[35]](#footnote-35) A second prominent family of views holds that a government acts legitimately only when its actions are determined by appropriate democratic procedures that realize important values like fairness and political equality.[[36]](#footnote-36) A third family of views holds that a government acts legitimately only when its actions can be justified on the basis of reasons that could be accepted by all reasonable citizens.[[37]](#footnote-37) Despite their differences, liberals generally agree on two claims: First, a government can act legitimately even when it acts on the basis of falsehoods, so truth is not necessary for political legitimacy. Second, a government can act illegitimately even when it acts on the basis of truths—indeed, there are some truths that a government cannot legitimately act on—so truth is not sufficient for political legitimacy.

One of the points where truth and legitimacy most clearly come apart in liberal thinking is liberalism’s demand for a separation between church and state. Though it has been subject to different interpretations over time, that separation is now standardly understood as requiring that governments abstain from enforcing or acting on the basis of any particular religious doctrine *even if that doctrine is true*. In the words of U.S. Supreme Court Justice Hugo Black:

…neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over the other. Neither can force nor influence a person to go to or to remain away from church against his will… No person can be punished for entertaining or professing religious beliefs or disbeliefs… No tax, in any amount, large or small, can be levied to support religious activities or institutions…[[38]](#footnote-38)

It is important to recognize, however, that religious truths are not unique in lying beyond the realm of legitimate bases for government action. Generally speaking, liberalism prohibits governments from acting on the basis of truths whenever doing so would unjustifiably infringe on people’s rights. For example, the government cannot legitimately coerce me to eat more vegetables; even if it is true that I should eat more vegetables, the use of government coercion to make me do so would be an unwarranted infringement of my personal freedom.

Though liberal legitimacy does not depend on truth, some philosophers argue that the legitimacy of liberal institutions—especially democratic ones—derives in part from their tendency to facilitate truth. Some of those philosophers contend that democratic processes—such as inclusive political deliberation and elections with universal suffrage—have epistemic benefits that enable democracies to discover the truth and make correct decisions more often than alternative systems of political rule.[[39]](#footnote-39) Others contend that liberalism is justified in part because liberal institutions enable citizens to discover truths necessary to act morally and live well.[[40]](#footnote-40) Note that these arguments do not imply that acting on the basis of truth is necessary or sufficient for political legitimacy; only that legitimacy depends in part on facilitating the discovery and dissemination of truths.

# Regulation

A robust right to freedom of expression is essential to liberalism. That right protects not only the expression of truths, but also the expression of falsehoods. Three grounds for such a right have already been described in previous sections. First, the liberal presumption in favor of liberty implies that governments may only intervene to limit the expression of falsehoods when there is a compelling justification for doing so. The mere fact that an expression is false does not, in itself, provide such a justification. Second, freedom of expression constitutes a bulwark against tyranny that would be undermined by affording the government a capacious license to suppress any expression it deems false. Third, tolerating putative falsehoods is part of the practice of mutual toleration that makes life in a diverse society possible.

Another highly influential argument for freedom of expression is articulated by Mill in *On Liberty.* Mill famously insists that “we can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.”[[41]](#footnote-41) He argues that that views that are initially deemed false by the majority of people often turn out to be true, so efforts to censor false views are liable to suppress the discovery of truths and enable the persistence of false dogmas. Moreover, Mill contends that even the expression of genuine falsehoods is valuable because, through recognizing why they are false, we come to better understand and appreciate the truth. The upshot, embraced by many liberals, is that free discourse, rather than censorship, is usually the best means of dispelling errors and promoting the discovery of truth, at least in the long run.

It is important to note that free discourse does not mean discourse totally unfettered by rules or norms of any kind. A “debate” in which participants do nothing but shout obscenities at one another is unlikely to result in anyone coming to hold more true beliefs. A discussion in which some people actively try to mislead the others is liable to result in the spread of falsehoods. And bad arguments and misinformation are unlikely to be rooted out if people do not think critically, or if they value adherence to their preferred dogmas more than they value truth. For free discourse to have the positive effects that liberals highlight, participants must generally adhere to some basic norms of honesty and good reasoning, and they must exchange arguments and evidence, not just insults and aspersions. Liberals do not reject such informal rules and norms needed for productive dialogue, but liberals insist that adherence to those rules and norms must generally be left up to individuals rather than enforced using the coercive power of the state or other institutions.

Though liberals advocate for a robust right to freedom of expression, they are not absolutists; the liberal right to freedom of expression is a presumption that can be defeated. When and for what reasons it may be defeated are subjects of ongoing disagreement.[[42]](#footnote-42)

Mill contends that the only acceptable justification for limiting freedom of expression—and for interfering with individual freedom more generally—"is to prevent harm to others.”[[43]](#footnote-43) This is known as the *harm principle*.[[44]](#footnote-44) It implies that where there is no concrete harm done by the expression of a lie or falsehood, there is no sufficient justification for the government to prohibit or suppress it. Historically, such reasoning was frequently invoked in defense of allowing the expression of religious heresies. Thomas Jefferson, for example, writes “the legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury to say there are twenty gods, or no god.  It neither picks my pocket nor breaks my leg.”[[45]](#footnote-45)

Some lies and falsehoods can be prohibited under the harm principle. The proverbial example is falsely yelling “Fire!” in a crowded theater where this is liable to result in people being injured as they stampede toward the exits.[[46]](#footnote-46) Other examples of false speech that are not protected by the harm principle include falsehoods that incite violence—such as calls to lynch innocent African Americans for imagined crimes—and advertising that misleads people about the benefits or dangers of certain products—such as advertising by pharmaceutical companies that conceals harmful side effects or other risks posed by medications. Indeed, most liberal societies have laws that prohibit incitements to violence and various forms of false and misleading advertising.

The harm principle does protect speech that offends or belittles people without directly causing concrete harm. This is controversial. Many contemporary liberals argue for more stringent legal limits to prohibit expression that attacks or impugns a person or group on the basis of protected social categories such as race, ethnicity, gender, religion, disability, and sexual orientation. Such expressions are commonly called *hate speech* (though legal definitions of hate speech are often considerably narrower). Some advocates of prohibitions on hate speech argue that we should expand our conception of harm to include *expressive harms*—ways in which the mere expression of an idea treats people unjustly.[[47]](#footnote-47) Often such arguments proceed by highlighting other values—such as equality and dignity—that are undermined by hateful speech.[[48]](#footnote-48) Nonetheless, the harm principle remains widely accepted, with many liberals insisting that hate speech, even when manifestly false, must be protected so long as it does not directly cause concrete harm. For example, the American Civil Liberties Union insists that even highly offensive speech must be protected because “freedom of speech is most necessary when the message is one most people find repulsive.”[[49]](#footnote-49)

Some contexts of speech are subject to special considerations that liberals typically recognize as licencing the government to enforce truth-telling. For example, though the government cannot legitimately penalize me for lying to my neighbor about how much money I make, the government can legitimately penalize me for telling the same lie in the course of filing my taxes. Similarly, freedom of expression permits me to lie to you about where I was last Thursday, but it does not permit me to tell the same lie while testifying in a court of law. The legitimate institutions of a liberal democracy may demand truth-telling when it is necessary for their successful functioning.

That said, there are many cases where, although truth-telling is necessary for institutions to function properly, liberals nonetheless shy away from enforcing it. Indeed, liberals are often averse to regulating expression even in contexts where such regulation would prevent serious harm or wrongdoing. That is largely because liberals are typically very wary of the potential for censors to abuse their powers. Any potential gains of regulating expression—the potential harms or wrongs averted—must be weighed against the potential harms and wrongs that may be done if the authority charged with carrying out that regulation misuses its power. In practice, liberals are most comfortable regulating expression—and enforcing truth-telling—in contexts where doing so will avert great harms and where the risks of abusive regulation are relatively low.

Politics is one domain where liberals are usually especially averse to regulating expression. Though political lies and misinformation have many deleterious effects, liberals have traditionally been extremely reluctant to vest any authority with the power to suppress such falsehoods. That reluctance is grounded largely in the fear that any authority vested with the power to regulate political speech may use that power to stifle legitimate political opposition and dissent, thereby undermining democratic institutions and enabling further abuses of political power. However, the rise of political misinformation campaigns and “fake news” spread via social media and other internet-based technologies has recently led some liberals to call for greater regulation of expression—including political expression—in order to preserve many of the benefits that justify a robust right to freedom of expression in the first place.[[50]](#footnote-50) Indeed, one of the key questions liberals currently face is whether, and when, the harms and threats to truth posed by the widespread use and abuse of internet-based technologies are sufficient to rebut the liberal presumption in favor of freedom, and to outweigh the practical dangers posed by vesting governments, corporations, or other entities with the power to regulate online expression.

# Remedies

What is to be done when the government lies? A liberal society has multiple lines of recourse that begin within the government itself and end with the ultimate source of the government’s authority, the people.

As discussed earlier in the section titled “Governance”, the governments of liberal societies are typically divided into different branches and subbranches charged with different powers and responsibilities. Moreover, liberal societies usually have elected legislatures consisting of representatives from multiple parties. It is rare for all of those different branches and parties to cooperate in telling a lie. When the government of a liberal society lies, it is usually only part of the government that lies—a particular government official or group of officials—rather than the entire government acting as one. And when it is only part of the government that lies, that leaves other parts—those not in on the lie—that can expose the lie and work to remedy it. For example, if an elected representative belonging to one party tells a lie, then members of other parties are liable to detect the lie and attempt to publicly expose it—although, curiously, in many liberal democracies accusations of lying are normally forbidden as “unparliamentary language” during official legislative proceedings.[[51]](#footnote-51) Many liberal societies also have formal processes—such as impeachment and censure—through which government officials caught lying, especially while under oath, may be reprimanded or removed from office. Lies told by government officials while under oath may also be subject to criminal prosecution for perjury. In addition to hearing perjury cases, courts may also promote truth in governance by striking down laws or policies that lack a sound and truthful justification for infringing on people’s rights.

Outside of the government, the press is one of a liberal society’s primary defenses against government lies. By recording and fact-checking what government officials say, journalists can expose the lies those officials tell. And through investigative reporting, journalists can uncover truths that the government tries to hide, including truths about corruption and other government wrongdoing. Such revelations often result in public outcry, putting pressure on the relevant government officials to be more truthful and to correct their misbehavior. However, that kind of public reaction depends on a public perception that the press is trustworthy; if much of the public believes that the press is no more truthful than the government, then the efforts of the press to expose government lies may go unheeded. For that reason, government lies that aim to discredit the press are particularly dangerous in a liberal society as they can erode the public trust that enables the press to serve as an effective check on government mendacity.[[52]](#footnote-52)

Finally, in a liberal democracy, the ultimate check on government is the people. Through elections, public protests, and other forms of political engagement, ordinary citizens can remove liars from office, oppose government actions that are based on falsehoods, and demand access to truths that the government tries to hide. Because the people are the ultimate check on government, liberals often advocate for education—especially civic education—that aims to equip people with the knowledge and skills necessary to effectively participate in politics.[[53]](#footnote-53) Those skills are usually understood to include critical thinking skills that help people discern truth from falsehood. However, some cultural and religious groups oppose compulsory education beyond a fairly young age, and others are opposed to more specific civic education initiatives. Such opposition pits the need to cultivate an informed and politically savvy populace against the value of mutual toleration and the need to preserve the freedom of religious and cultural minorities. As with the broader question of how far liberal societies may go to promote liberal values among illiberal people, liberals disagree about where exactly the line should be drawn.[[54]](#footnote-54)

Beyond the people, liberalism provides no further recourse against the lies of governments. If the people of a liberal society tolerate a highly mendacious government that routinely abuses its power and that actively undermines the ability of the press and other institutions to expose and prevent those abuses, then their society is unlikely to remain a functioning liberal democracy. In the words of Mill, a free society is unlikely to remain a *free* society “if, from indolence, or carelessness, or cowardice, or want of public spirit, [the people] are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; [or] if they can be deluded by the artifices used to cheat them out of it.”[[55]](#footnote-55) Simply put, if the people of a liberal society do not demand truth from their leaders, they are liable to get lies and falsehoods instead.

1. John Rawls, *Political Liberalism*, Expanded Edition,(New York: Columbia University Press, 2005), p. 94. [↑](#footnote-ref-1)
2. For accessible introductions that survey the range of different liberalisms, see Gerald Gaus, Shane D. Courtland, and David Schmidtz, “Liberalism”, in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy*(Spring 2018 Edition), <https://plato.stanford.edu/archives/spr2018/entries/liberalism/>; and Michael Freeden, *Liberalism: A Very Short Introduction* (Oxford: Oxford University Press, 2015). [↑](#footnote-ref-2)
3. John Stuart Mill, “The Subjection of Women” in John Gray (ed.) *On Liberty and Other Essays* (Oxford: Oxford University Press, 1991), p. 472. See also Book II Chapters II and VII of John Locke’s *Two Treatises of Government,* in Ian Shapiro (ed.) *Two Treatises of Government and a Letter Concerning Toleration* (New Haven: Yale University Press, 2003); Joel Feinberg, *Harm to Others* (Oxford: Oxford University Press, 1984), p. 9; John Rawls, *A Theory of Justice*, Revised Edition (Cambridge, MA: The Belknap Press, 1999), p. 220; and William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge, UK: Cambridge University Press, 2002), p. 3. [↑](#footnote-ref-3)
4. The *locus classicus* for this is Locke’s statement that “all men are naturally in… a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit… without asking leave, or depending on the will of any other man.” Locke, *Two Treatise of Government*, p. 101. [↑](#footnote-ref-4)
5. The most influential exponents of social contract theory include Thomas Hobbes, *Leviathan* (London: Penguin, 1985); Locke, *Two Treatises of Government*; Jean-Jacques Rousseau, *On the Social Contract* translated by Donald A. Cress in Peter Gay (ed.) *Jean-Jacques Rousseau: The Basic Political Writings* (Indianapolis: Hackett, 1987), pp. 141-227; and Immanuel Kant, “On the Proverb: That May Be True in Theory But is of No Practical Use,” in Ted Humphrey (trans. and ed.) *Perpetual Peace and other Essays* (Indianapolis: Hackett, 1983), pp. 61-92. Though the views of Hobbes and Rousseau contain many illiberal elements, their writings have had a significant and enduring impact on liberal thought. [↑](#footnote-ref-5)
6. See, for example, John Stuart Mill, “*On Liberty*,” in *On Liberty and Other Essays*, John Gray, ed. (Oxford: Oxford University Press, 1991), p. 83. [↑](#footnote-ref-6)
7. Karl Popper, “Public Opinion and Liberal Principles,” in his *Conjectures and Refutations* (London: Routledge, 1963), p. 350. [↑](#footnote-ref-7)
8. One of the most influential statements of this idea is that of Thomas Gordan (writing under the pseudonym “Cato”): “Freedom of speech is the great bulwark of liberty; they prosper and die together: And it is the terror of traitors and oppressors, and a barrier against them.” Thomas Gordon, “Of freedom of Speech: That the same is inseparable from publick liberty,” in Ronald Hamowy (ed.) *Cato’s Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects* (Indianapolis: Liberty Fund, 1995), Vol. 1 <https://oll.libertyfund.org/titles/1237> [↑](#footnote-ref-8)
9. See, for example, Mill’s discussion of the tyranny of the majority at the outset of *On Liberty*, pp. 5-9; and his proposal to give more votes to more educated and knowledgeable citizens in *Considerations on Representative Government* in *On Liberty and Other Essays*, John Gray, ed. (Oxford: Oxford University Press, 1991), pp. 334-341. [↑](#footnote-ref-9)
10. “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” UN General Assembly, "Universal Declaration of Human Rights," 217 (III) A (Paris, 1948), <http://www.un.org/en/universal-declaration-human-rights/> [↑](#footnote-ref-10)
11. See, for example, Peter Singer, *Democracy and Disobedience* (Oxford: Oxford University Press, 1973); Carol Gould, *Rethinking Democracy: Freedom and Social Cooperation in Politics, Economics and Society* (New York: Cambridge University Press, 1988); Joshua Cohen, “Procedure and Substance in Deliberative Democracy,” in Thomas Christiano, (ed.) *Philosophy and Democracy*, (Oxford: Oxford University Press, 2002); and Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008). [↑](#footnote-ref-11)
12. John Stuart Mill, *Considerations on Representative Government*, pp. 237-256; Amartya Sen, *Development as Freedom* (New York: Knopf, 1999); Thomas Christiano, “An Instrumental Argument for a Human Right to Democracy,” *Philosophy & Public Affairs* 39:2(2011): 142-176. [↑](#footnote-ref-12)
13. On the importance of truth to democracy, see William Galston, “Truth and Democracy: Themes and Variations,” in Jeremy Elkins and Andrew Norris (eds.) *Truth and Democracy* (Philadelphia: University of Pennsylvania Press, 2012), pp. 131-145; and chapter 1 of Sophia Rosenfeld, *Democracy and Truth: A Short History* (Philadelphia: University of Pennsylvania Press, 2019). [↑](#footnote-ref-13)
14. John Locke, “A Letter Concerning Toleration,” in *Two Treatises of Government* *and A Letter Concerning Toleration*, Ian Shapiro (ed.) (New Haven: Yale University Press, 2003), p. 241. [↑](#footnote-ref-14)
15. For overviews of the history of toleration and some prominent debates about its meaning and limits, see Rainer Forst, "Toleration" in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy*(Fall 2017 Edition) <https://plato.stanford.edu/archives/fall2017/entries/toleration/>; and Bican Sahin, *Toleration: The Liberal Virtue* (Plymouth, UK: Lexington Books, 2010). [↑](#footnote-ref-15)
16. The most famous exposition of this view is that of John Rawls in *Political Liberalism*. Other noteworthy statements of liberal neutrality include Thomas Nagel, “Moral Conflict and Political Legitimacy,” *Philosophy & Public Affairs*, 16:3 (1987): 215–240; Ronald Dworkin, “Liberalism,” in *A Matter of Principle* (Oxford: Clarendon Press, 1986); and Charles Larmore, “Political Liberalism” in his *The Morals of Modernity* (Cambridge, UK: Cambridge University Press, 1996), 121-151. [↑](#footnote-ref-16)
17. Rawls, *Political Liberalism*, p. 243. [↑](#footnote-ref-17)
18. Rawls, *Political Liberalism*, p. 94 [↑](#footnote-ref-18)
19. Prominent critiques of Rawls’s attempt to eschew the notion of truth include Jean Hampton, “Should Political Philosophy be Done without Metaphysics?” *Ethics*, 99 (1989): 791–814; Joseph Raz, “Facing Diversity: The Case of Epistemic Abstinence,” *Philosophy & Public Affairs*, 19:1(1990): 3–46; and David Estlund, “The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth,” *Ethics*, 108:2 (1988): 252–275. [↑](#footnote-ref-19)
20. Ronald Dworkin, “How Universal Is Liberalism?” (Ralf Dahrendorf Memorial Lecture, Oxford University, 2012). Video recording available at: http://podcasts.ox.ac.uk/how-universal-liberalism. [↑](#footnote-ref-20)
21. See, for example, Thomas Pogge, *World Poverty and Human Rights* (Cambridge, UK: Polity, 2002); Martha Nussbaum, “Women and Law of Peoples,” *Politics, Philosophy, and Economics*, 1 (2002): 283-306; and Galston, *Liberal Pluralism.* [↑](#footnote-ref-21)
22. John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999). [↑](#footnote-ref-22)
23. For Plato’s vision, see *The Republic* translated by C.D.C. Reeve (Indianapolis: Hackett, 2004). [↑](#footnote-ref-23)
24. John Locke, “A Third Letter Concerning Toleration,” in *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 5. 9/4/2018. <http://oll.libertyfund.org/titles/764> p. 298. [↑](#footnote-ref-24)
25. To explain the inevitability of reasonable disagreement, some liberals point to the impossibility of definitively resolving conflicts between fundamental values. See, for example, Isaiah Berlin, “Two Concepts of Liberty” in his *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 119-172; Charles Larmore, *The Morals of Modernity* (Cambridge, UK: Cambridge University Press, 1996); and Galston, *Liberal Pluralism*. Others point to human fallibility, the variability of human experience, and obstacles like conflicting evidence and vague concepts that make it more difficult to discern the truth. See, for example, Mill, *On Liberty*, p. 23; and Rawls, *Political Liberalism,* pp. 54-58. [↑](#footnote-ref-25)
26. On the basis and limits of liberal toleration for illiberal ways of life, see Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1996); and Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford: Oxford University Press, 2003). [↑](#footnote-ref-26)
27. See, for example, Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000); Amy Gutmann, "Civic Education and Social Diversity." *Ethics* 105 (1995): 557-79; and chapter 8 of Galston, *Liberal Pluralism*. [↑](#footnote-ref-27)
28. John Stuart Mill, “Utilitarianism,” in *On Liberty and Other Essays*, John Gray, ed. (Oxford: Oxford University Press, 1991), p. 22. [↑](#footnote-ref-28)
29. Immanuel Kant, “On a Supposed Right to Lie Because of Philanthropic Concerns,” in *Kant’s Ethical Philosophy*, Thomas Ellington (trans.) (Indianapolis: Hackett, 1983). [↑](#footnote-ref-29)
30. Galston, “Truth and Democracy,” pp. 135-136. [↑](#footnote-ref-30)
31. Bernard Williams, “Truthfulness, Liberalism, and Critique,” in *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2004), p. 207. [↑](#footnote-ref-31)
32. Montesquieu articulated the basis for this tripartite division of powers in Book XI of his *The Spirit of Laws* translated by Anne M. Cohler, Basia C. Miller, and Harold. S. Stone (Cambridge, UK: Cambridge University Press, 1989). [↑](#footnote-ref-32)
33. For an overview of some central debates about the nature and aims of political representation, see Suzanne Dovi, "Political Representation", in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy*(Fall 2018 Edition), <https://plato.stanford.edu/archives/fall2018/entries/political-representation/>. On the importance of trust in political representation, see Melissa Williams, *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation* (Princeton: Princeton University Press, 1998), especially pp. 30-33. On the need for representatives to be accountable, see the essays in Adam Przeworski, Susan C. Stokes, and Bernard Manin (eds.) *Democracy, Accountability, and Representation* (Cambridge, UK: Cambridge University Press, 1999). [↑](#footnote-ref-33)
34. For discussions of the place of secrecy and deception in public life, see chapters 7 and 8 of Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York: Pantheon Books, 1983); and chapter 7 of Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Pantheon Books, 1978). [↑](#footnote-ref-34)
35. See, for example, Locke, *Two Treatises of Government*; and A.J. Simmons, *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge, UK: Cambridge University Press, 2001). [↑](#footnote-ref-35)
36. See, for example, Thomas Christiano, *The Constitution of Equality*; and Niko Kolody, “Rule Over None II: Social Equality and the Justification of Democracy”, *Philosophy and Public Affairs* 42:4(2014): 287-336. [↑](#footnote-ref-36)
37. See, for example, Rawls, *Political Liberalism*, p. xliv. [↑](#footnote-ref-37)
38. Everson v. Board of Education, 330 U.S. 1 (1947), pp. 15-16. [↑](#footnote-ref-38)
39. See, for example, David Estlund, *Democratic Authority: A Philosophical Framework*, (Princeton: Princeton University Press, 2008); Hélèn Landemore, *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*, (Princeton: Princeton University Press, 2013); and Robert Goodin and Kai Spiekermann, *An Epistemic Theory of Democracy* (Oxford: Oxford University Press, 2017). [↑](#footnote-ref-39)
40. See, for example, Mill, *On Liberty;* and Allen Buchanan, “Political Liberalism and Social Epistemology,” *Philosophy & Public Affairs* 32:2(2004):95-130. [↑](#footnote-ref-40)
41. Mill “On Liberty,” p. 22. [↑](#footnote-ref-41)
42. For an accessible overview of debates about the meaning and limits of free speech, see David van Mill, "Freedom of Speech", in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy*(Summer 2018 Edition), <https://plato.stanford.edu/archives/sum2018/entries/freedom-speech/>. [↑](#footnote-ref-42)
43. Mill, *On Liberty*, p. 14. [↑](#footnote-ref-43)
44. Feinberg, *Harm to Others*, p. 10. [↑](#footnote-ref-44)
45. Thomas Jefferson, “Notes on Virginia” in Paul Leicester Ford (ed.) *The Works of Thomas Jefferson*, Volume 4 (New York and London, G.P. Putnam’s Sons, 1904-5) <http://oll.libertyfund.org/titles/756> [↑](#footnote-ref-45)
46. The example comes from US Supreme Court Justice Oliver Wendall Holmes’s opinion in*Schenck v. United States*, 249 U.S. 47 (1919). [↑](#footnote-ref-46)
47. See, for example, Andrew Altman’s work on campus speech codes: "Liberalism and Campus Hate Speech: A Philosophical Examination", Ethics 103 (1993): 302-17; and “Speech Codes and Expressive Harm,” in Hugh LaFollette (ed.) *Ethics in Practice*, 2nd ed., (Malden, MA: Blackwell, 2002): 376-84. [↑](#footnote-ref-47)
48. See, for example, Jeremy Waldron, *The Harm of Hate Speech* (Cambridge, MA: Harvard University Press, 2014). [↑](#footnote-ref-48)
49. ACLU, “Free Speech,” <https://www.aclu.org/issues/free-speech?redirect=freespeech> [↑](#footnote-ref-49)
50. See, for example, Tim Wu, “Is the First Amendment Obsolete?” *Michigan Law Review* 117 (2018): 547-581. [↑](#footnote-ref-50)
51. See, for example, the guidelines on parliamentary language in the U.K. Parliament’s “Rules of behaviour and courtesies in the House,” (November 2015) <https://www.parliament.uk/documents/rules-of-behaviour.pdf> [↑](#footnote-ref-51)
52. On the special dangers posed by government lies that discredit the press, see Helen Norton, “Government Lies and the Press Clause,” *University of Colorado Law Review* 89 (2018): 453-475. [↑](#footnote-ref-52)
53. For an overview of the history and development of the idea of civic education, see Jack Crittenden and Peter Levine, "Civic Education", in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy*(Fall 2018 Edition), <https://plato.stanford.edu/archives/fall2018/entries/civic-education/>. [↑](#footnote-ref-53)
54. See footnote 27 above for references to the debate about the appropriate aims and scope of civic education in a liberal society. [↑](#footnote-ref-54)
55. Mill, *Considerations on Representative Government*, p. 209. [↑](#footnote-ref-55)