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Freedom and equality as necessary constituents of a liberal democratic state

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Citation

Doomen, J. (2014, May 21). *Freedom and equality as necessary constituents of a liberal democratic state*. Retrieved from <https://hdl.handle.net/1887/25825>

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Author: Doomen, Jasper

Title: Freedom and equality as necessary constituents of a liberal democratic state

Issue Date: 2014-05-21

Freedom and Equality as Necessary Constituents of a Liberal Democratic State

Jasper Doomen

Freedom and Equality as Necessary Constituents of a Liberal Democratic State

PROEFSCHRIFT

ter verkrijging van
de graad van Doctor aan de Universiteit Leiden,
op gezag van Rector Magnificus prof. mr. C.J.J.M. Stolker,
volgens besluit van het College voor Promoties
te verdedigen op woensdag 21 mei 2014
klokke 11:15 uur

door

Jasper Doomen

geboren te Goirle

in 1977

Promotiecommissie:

Promotor: prof. dr. A. Ellian

Overige leden: prof. dr. P.B. Cliteur
prof. mr. dr. L.H.J. Adams (Universiteit van Tilburg)
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INTRODUCTION

Introduction

Freedom and equality are generally considered to be important elements in the political realm. Yet there is, at the same time, a tension between equality and freedom. The purpose of this inquiry is to examine to what extent equality and freedom are necessary constituents of a liberal democratic state.

The question seems circular from the outset. After all, I will not research every form of government, but merely liberal democracy, which is characterized by precisely these matters, equality and freedom, at least in principle. The fact that I will limit my research in this way stems from the given that some forms of government can easily exist without the premises that confine the present inquiry. Whether it is agreeable to live in a state with such a form of government is, of course, an altogether different matter. In any event, if I were to apply my research question to such governments as well, the research with regard to them would not only be peculiar, but easily concluded as well: equality and freedom are not necessary conditions for all forms of government.¹ This still does not liberate me from the other part of the question, and the circularity does not seem to have been resolved: if I am to limit myself to the liberal democratic state, why should the question be posed at all? The first reason for this inquiry is that the concept of ‘equality’ is ambiguous. It simply will not suffice to say that equality in any unqualified sense is necessary. ‘Freedom’ may also be used in many ways, although the difficulty here lies primarily in finding the proper criteria to restrict liberties; such liberties must exist, of course (lest there not *be* a liberal democratic state in the first place), but that does not mean that they cannot be mitigated in some cases.

It is, then, necessary to determine what ‘equality’ and ‘freedom’ mean. ‘Freedom’ is a notoriously elusive concept, in some discussions even extending to the discussion of the existence of a ‘free will’ (which has no bearing on the current research), so some preliminary remarks are in order. First of all, ‘liberty’ and ‘freedom’ may be distinguished. Dworkin does so in the following way: “I distinguish your freedom, which is simply your ability to do anything you might want to do without government constraint, from your liberty, which is that part of your freedom that government would do wrong to constrain.”² He clearly has a ‘neutral’ situation in mind when defining ‘freedom’ (a tiger hunting a deer is free, in contrast with one being held in a cage; or, to use human examples, under ‘normal’ circumstances, a person is free to travel, in contrast with a prisoner), which is contrasted with the

¹ In the case of equality, this is somewhat nuanced; I will argue below that some sort of equality *is* indeed necessary in any form of government.

² R. Dworkin, *Justice for Hedgehogs*, p. 4 (cf. p. 366). Similarly, in *Is Democracy Possible Here?*, p. 67, he says: “[...] I shall use the word “liberty” to describe the set of rights that government should establish and enforce to protect people’s personal ethical responsibility properly understood. I shall use the word “freedom” in a more neutral way, so that any time the government prevents someone from acting as he might wish, it limits his freedom.”).

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comprehensive, or even value-laden, notion of 'liberty'. Such a distinction may be warranted, but since the terms can be defined the other way around with just as much justification,³ I will forgo it and use 'liberty' and 'freedom' interchangeably, rather adding adjectives to specify the notions if necessary.

Incidentally, Dworkin uses the same method to distinguish between various perspectives when he says: "We use the words "liberty" and "equality" in two senses. We use each as a flat description that carries, in itself, no suggestion of endorsement or complaint, and we also use each normatively to identify a political virtue or ideal that we endorse. We use "liberty" in its flat sense simply to indicate the absence of constraint." [...] "We use "liberty" in its normative sense, on the other hand, to describe the ways in which we believe people ought to be free."⁴

In any event, it appears that Dworkin considers 'freedom' here to be negative freedom (as Berlin defines it⁵). This is also how it will be used by me, unless specified otherwise. Freedom in this sense, when applied to the present inquiry, is manifested, e.g., in freedom of expression, which does not point to any criterion with regard to the content: no evaluation takes place here for the freedom to exist. An evaluation may be the case when it comes to the decision which manifestations are to be limited, e.g. in order to prevent hostile situations, but that is another matter since no judgment pertaining to the 'truth' of the *content* is involved here; rather, the negative outcomes of allowing the freedom to be manifested in this way are concerned. Indeed, if the content *were* judged in such a way, it would not be amiss to say that a liberal democratic state is not realized in the first place. This means that a 'substantive' concept of freedom, as set forth by, amongst others, Rousseau, who contrasts 'natural liberty' ('liberté naturelle') with 'civil liberty' ('liberté civile') and 'moral liberty' ('liberté morale'),⁶ Hegel⁷ and Green⁸ will not be espoused here. Such a concept may be useful, or perhaps even necessary, if one should wish to found a philosophy of law with a metaphysical and/or 'moral' superstructure, but I need not presently be concerned with the issue of whether such an ambition may be realized at all, as my aspirations are relatively modest here.

³ For example, Narveson, though using 'liberty' and 'freedom' interchangeably, seems to consider 'liberty' the more 'neutral' notion and 'freedom' the more value-laden one ("The Right to Liberty is incompatible with the Right to Equality", pp. 124-129).

⁴ R. Dworkin, *Sovereign Virtue*, p. 125.

⁵ "I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others." I. Berlin, "Two Concepts of Liberty", § 1 (p. 169).

⁶ J.-J. Rousseau, *Du Contrat Social*, Book 1, Ch. 8 (p. 24).

⁷ G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, e.g., § 4 (p. 50), § 10 (pp. 62, 63), § 11 (p. 63), § 15 (pp. 66-68), § 29 (p. 79).

⁸ T. H. Green, "Lecture on 'Liberal Legislation and Freedom of Contract'", pp. 199, 200.

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‘Equality’, just as ‘freedom’, may be specified in many ways,⁹ so it is incumbent on me to make it clear from the outset which sort or sorts of equality I will explore, and why. The concept of equality that will feature prominently in my inquiry in the first part of this study is that of formal equality, which I take to include: (1) political equality, consisting of granting political liberties, such as the right to vote¹⁰ and freedom of expression, and (2) legal equality (or equality before the law), which entails the right to equal treatment.¹¹ As for both elements, I will research on what basis the existence of these rights can convincingly be argued (i.e., on what basis they exist in the first place), and why they are necessary.

In the case of political equality, the point of departure will be that political liberties are not to be restricted in any way. These liberties are not problematized until the second part of this study, at which point it will be inquired whether and, if so, to what degree restrictions could be justified.

As for legal equality: the equal treatment that is the focus here is the treatment that leads to equality of opportunity. By ‘equality of opportunity’ I mean here simply that certain characteristics deemed irrelevant are not to be decisive for the outcome of a process between individuals who are in other respects equal (or basically equal, as I will call it). The relevance will be decided according to the demands called for, so that it is, incidentally, immediately clear that material equality, also known as equality of outcome, is not the issue at hand.¹²

⁹ Cf. D. Rae, *Equalities*, p. 132: “In any real historical context *no* single notion of equality can sweep the field. Because the structure of human societies is complicated, equality must be complicated if it is to approach practice.” Dworkin similarly observes: “People can become equal (or at least more equal) in one way with the consequence that they become unequal (or more unequal) in others.” *Sovereign Virtue*, p. 11.

¹⁰ The presence of this right is explained by the fact that the conditions for democracy to exist are explored, among which (in states characterized by representative democracy) (*ex natura rei*) the right to vote features prominently.

¹¹ Together these rights constitute an important segment of the whole of civil and political rights. (I do not deal with *all* of these rights, as some of them, such as the right to fair trial, are associated with the rule of law rather than with liberal democracy.) Incidentally, it may be argued that the rule of law is an essential part of liberal democracy (e.g., M. Plattner, “From Liberalism to Liberal Democracy”, p. 121; F. Zakaria, “The Rise of Illiberal Democracy”, p. 22). Such a definition of ‘liberal democracy’ is not incompatible with what I will argue here, so that the need to take a principled stance with regard to this matter does not present itself. It may still be argued that, given the fact that I will establish whether freedom is a necessary constituent of a liberal democratic state, the rights considered to be part of the rule of law, such as the right to fair trial just mentioned, must also receive extensive attention. Still, I am confident that what will be said in part 2 of the inquiry, especially chapters 8, 10, 11 and 13, is sufficient to address the relevant issues that may ensue from taking these rights into consideration.

¹² Cavanagh’s question “Would you really want just anyone – never mind their unsteady hands, or psychotic tendencies – to have an equal chance of becoming your dentist?” (*Against Equality of Opportunity*, p. 8) is of course rhetorical; in the situation that I will investigate, the same sort of question, namely, “Would you really want just anyone to be treated formally equally?”, would also be a rhetorical one, at least nearly, for there are some cases in which one must be nuanced, such as the rights of children in this respect, but the reason why it is rhetorical differs significantly from the one in the situation to which Cavanagh refers. In his case, it is obvious

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In one respect, though, formal equality and material equality overlap, if ‘material equality’ is understood broadly: formal equality entails – to anticipate matters somewhat – among other things that employers may not discriminate on the basis of, e.g., race or gender, thus allowing all those that are qualified, irrespective of the specifics just mentioned, to be taken seriously as prospective employees. (Employers may still use specific qualifications as criteria to select, so long as these are relevant for the job (and even the characteristics just mentioned may be used to select: actors, e.g., may be chosen on the basis of gender or race), which is what prompted my remark that ‘material equality’ is to be understood broadly.)

It may be argued here that the notion of (negative) liberty does not apply unequivocally, in the sense that an employer who wishes to decide which candidate to hire on the basis of the prospective employees’ racial backgrounds is impeded to do so by legislation against such discrimination. It is unmistakably an infraction on the liberty of such an employer to decide for himself how to proceed, but such an infraction may be justified on the basis of considerations that outweigh this liberty.

The sorts of equality that will not be inquired, then, are those concerned with economic equality,¹³ such as material equality.¹⁴ That does not mean that they are not important, but for this inquiry’s specific goal their meaning serves no purpose, as this sort of equality is only an issue once formal equality has already been accepted as a guiding principle. Economic equality can further specify the conditions, but formal equality must have been acknowledged in the first place. (There are, of course, examples of states in which formal equality is not even an issue, but these exhibit a form of government irrelevant to this inquiry, which focuses on liberal democracy.)

The point that, with formal equality in place, different outcomes are possible when it comes to economic equality can be illustrated by pointing to two states that exhibit, I think few would contest, a liberal democratic structure, namely, Norway and the U.S.A. Both states are characterized by the presence of representative democracy and important political

why not everyone should have an equal chance to become a dentist, while in mine, it will (hopefully) be obvious, to anticipate what I will argue, why (nearly) everyone should be treated formally equally.

¹³ This is an imprecise term (if only because economic *inequality* is in most cases the norm, the only issue being the *degree* to which such inequality should be allowed to exist), but since this is a minor issue here, I will not dwell on this. In any event, ‘economic equality’ is to be read here as ‘economic (in)equality’ unless specified otherwise.

¹⁴ Alternative approaches to those that defend material equality are, *inter alia*, a libertarian one (the government should restrict itself to protecting existing property rather than redistribute it) and a welfare-based one (the government should optimize citizens’ welfare (rather than goods, which is the crucial element in material equality)) (R. Dworkin, *Law’s Empire*, p. 297, and in detail *Sovereign Virtue*, especially pp. 1-183, defending equality of resources, which he considers a species of material equality (*Sovereign Virtue*, p. 3)). Incidentally, ‘economic equality’ may be taken to mean the same as ‘material equality’, but I have distinguished between them for the reason given above, namely, that ‘formal equality’ and ‘material equality’ (i.e., ‘equality of outcome’) overlap in a *non-economic* sense.

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liberties.¹⁵ Yet when economic equality is considered, there appear to be great differences, Norway being a welfare state,¹⁶ in contrast to the U.S.A.¹⁷ This means that various ways of dealing with the economic positions of citizens are compatible with the model that I will research. The specific measures taken at that level may in fact be seen as a specific concretization compared to the *a priori* structure of the liberal democratic state, which is the foundation.¹⁸

One crucial question has hitherto remained unanswered, namely, that of the equality of *whom*: who is to be considered equal to whom, and why should such equality be the case? This question has so far received relatively little attention,¹⁹ debates usually being focused on the economic equality issues. It is the question I intend to answer in the first part of this study, and which in fact precedes the question of *which* equality should be realized. To that effect, one or more additional concepts of equality are required, of course. After all, if I am to focus on formal equality, it must be clear what the criteria are to be treated (formally) equally. To that effect, I shall use the concepts of factual equality, basic equality and prescriptive equality.

Factual equality is the equality that can in fact be observed to exist between two or more beings, either precisely (in which case there is identity) or approximately. The latter (approximate equality) is in practice the most important variation of the two. Basic equality is a specification of factual equality: factual equality is observed in many ways, and basic equality is the sort of factual equality between two or more beings that is considered relevant to them. Crucially, the beings that consider whether the feature is relevant are both those that observe the factual equality and those that distill the relevant aspects for basic equality from it. Prescriptive equality is the sort of equality that should be realized, but not on the basis of a ‘moral’ insight²⁰ but rather on the basis of what those already deemed basically

¹⁵ It is not important here to what extent these liberties are nonetheless limited in each case, since these countries are mentioned as examples to make another point.

¹⁶ Simply put, first, goods deemed important by many, such as health care, are provided publicly, while, second, benefits exist for those unable to collect an income. The term ‘welfare state’ is not easily demarcated, by the way, and the U.S.A. may also be argued to be one, but even in that case, the existence of significant differences between individual countries, at least at present, is undeniable.

¹⁷ There are some public provisions in this country as well, but not to such an extent that it would (at present) be warranted to speak of a welfare state in this case.

¹⁸ This is not to say that historical developments must correspond with this analysis. A state may have started with another form of government and have changed to exhibit liberal democracy while not significantly evolving from an economic point of view.

¹⁹ Cf. J. Waldron, “Basic Equality”, p. 2. Waldron rightly uses the word ‘anterior’ for this domain of research (“Basic Equality”, p. 5).

²⁰ That is what distinguishes it from normative equality, which may be considered to involve a ‘moral’ appeal. I do not think, by the way, that ‘normative’ implies a reference to a ‘moral’ norm, but in order to avoid confusion I use ‘prescriptive’ rather than ‘normative’. The distinction may be said to be arbitrary (so that it may, on the contrary, be defended that ‘prescriptivity’ is the more value-laden term and ‘normativity’ the more ‘neutral’ one – in fact, I just mentioned that I do not associate ‘normativity’ with ‘morality’), but on the basis of the

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equal consider the most desirable outcome. It is the demand that those who are basically equal should be treated equally and thus the general, abstract form of formal equality, which specifies what this equal treatment should mean (namely, that those who are basically equal should enjoy the same rights).

This sounds somewhat abstract, perhaps, and I will not (inappositely) use the excuse that this is only the introduction, which serves merely as an outline, but illustrate the matter to some extent, so as to indicate the importance of these distinctions. The relevant basic equality between human beings consists in their (approximately) equal rationality (or reasoning power²¹).²² This is, for reasons to be explored in detail in chapter 6, the crucial element for a liberal democratic state to remain in existence.²³ Prescriptive equality consists in the corollary of basic equality, namely in the fact that those who are basically equal should be treated equally.²⁴ ‘The most desirable outcome’ just mentioned would in the present context consist in the necessary conditions for a liberal democratic state to remain in existence. A final concept of equality is needed in order to concretize prescriptive equality, which is formal equality. This is the prescriptive equality needed for a liberal democratic state to remain in existence. It consists in granting equal rights to those deemed basically equal.²⁵

definition of ‘prescriptive equality’ I presented above, it should be clear what this means. (The occurrence of the word ‘should’ should (no pun intended) prove not to be problematic in light of the analysis presented in chapter 6.)

²¹ ‘Rationality’ and ‘reason’ (or ‘reasoning powers’) are equated here. I will elaborate on this in chapters 2, 5 and 6.

²² It is important to distinguish between ‘basic equality’ and the definite description ‘the basic equality’. The latter is used to point to a specification of the general concept ‘basic equality’. The specification that will be defended by me is ‘basic rationality’; as I will argue in chapters 1 and 6, many specifications of basic equality are possible, both on the basis of liberal democracy and on the basis of other forms of government, basic rationality being the most viable specification in a liberal democratic state. (Likewise, diverse sorts of basic equality may be discerned in the animal realm, although these may in most cases not be recognized, communities arising less artificially, to phrase it thus, than in the case of mankind.)

²³ I say ‘*remain in existence*’ rather than ‘*come into existence*’, for on the basis of a competing conception of basic equality that would formerly successfully be applied, a liberal democratic state was possible at that time. I will deal with this issue in chapters 1 and 6.

²⁴ Basic equality and prescriptive equality thus overlap. This is one of the elements that distinguish this outlook from an ethical viewpoint in which the descriptive and normative realms are separated (with a radical approach such as Kant’s (e.g., *Grundlegung zur Metaphysik der Sitten*, p. 444) providing the greatest contrast to mine). (I have omitted a comma before the word ‘in’ here (thus rendering a restrictive clause) as there are alternative ethical viewpoints that differ from mine as well but that do not strictly separate these domains, such as Mill’s (e.g., *Utilitarianism*, Ch. 2 (pp. 214, 218-220); cf. Ch. 3 (p. 231), Ch. 5 (pp. 246, 247)).) The issue of the overlap between the descriptive and prescriptive realm will receive attention in chapter 6.

²⁵ The research is by no means a merely academic exercise, but even irrespective of that, I can only agree with Waldron when he says: “I have heard people say: ‘Why do we need to explain or defend basic equality? Nobody denies it.’ But even if that’s true, it is still important for philosophers to explore the character and the grounds of propositions we take for granted.” *God, Locke, and Equality*, p. 4 (note). Waldron’s notion of ‘basic

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This account should secure a solid ground to justify the presence of formal equality and thus provide the answer to the first part of the main question addressed above, *viz.*, to what extent equality is necessary in a liberal democratic state. With that in mind, I will turn to the second question and inquire to what extent liberty must be granted to citizens in a liberal democratic state. Formal equality is a demand that is realized through legislation which, when enforced, places restrictions on individuals' freedom, but that does not necessarily entail that each individual will accept it as a decisive (or 'right') directive; he may simply obey the law since failing to do so may result in punishment, in which case he may be said to be externally rather than internally motivated to comply. An appeal to formal equality is in each case an appeal to a judge who will realize the consequences of the relevant legislation, or – if one directly addresses an individual that (presumably) does not adhere to the appeals made by the norms of formal equality – the threat with such an appeal directed at such an individual. This means that the answer to the question to what extent equality is necessary in a liberal democratic state merely provides some limits on individuals' freedom (to the effect that they do not discriminate): it does not address the matter what room is left, once these limits are acknowledged, for individuals' freedom, so that this subject matter warrants a separate treatment.

From the foregoing it appears that the questions of freedom and equality cannot be 'surgically' separated.²⁶ I already pointed to an employer who is faced with the fact that he may not use any criterion he deems fit to choose between prospective employees. Apparently, then, certain liberties are *a priori* restricted, in the sense that some characteristics, such as race and gender, may, as a rule, not be used as selection criteria. This is a given (legislation exists that is enforced if necessary), but that does not answer the question why such restrictions should (have to) be the case.

To provide such an answer, one may appeal, as some authors do, to notions such as 'human dignity' axiomatically, as if these were starting points that could (or may) not be questioned. Even if this is deemed a desirable strategy from a political point of view, the question arises whether it can ultimately lead to a convincing theory. No notion should be exempt from scrutiny, and if any is considered to be basic on whatever ground, this is no reason to desist from subjecting it, or its proponents' considerations to advocate it, to a critical analysis, but in fact provides all the more justification to do so. I will accordingly take a cautious stance, which may not lead to a lofty theory but will hopefully at least present a compelling account, without resorting to elements that have to be taken at face value for the simple reason that they *cannot* be analyzed any more profoundly.

equality' is roughly the same as mine; he defines it as "[...] equality as a background commitment that underlies many different policy positions." *God, Locke, and Equality*, p. 2.

²⁶ This issue must be separated from the issue of whether 'equality' and 'freedom' may be separated conceptually. The latter issue will be inquired in chapter 9.

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Rawls and Dworkin will feature prominently in this study. With respect to the first part I can say the following. Rawls's approach bears a similarity to mine, although the differences will soon come to the fore. More importantly, both thinkers deal with matters that touch upon the domain in question, although they do not, or hardly, explicate it.²⁷ The importance of Rawls's work is clear from his centralizing the questions *whose* interests (primary goods²⁸) are to be considered.²⁹ Dworkin presents the 'abstract egalitarian thesis': "From the standpoint of politics, the interests of the members of the community matter, and matter equally. I suggest that this proposition captures the concept of equality, taken to be at least an element in a theory of social justice, in such a way as to embrace various competing conceptions of equality."³⁰ Dworkin appears, then, to present a sort of 'encompassing equality' (to dub it thus), preceding the more 'applied equalities' (so to speak), thus seemingly providing precisely the sort of Archimedean point I seek. Whether his qualification of this point is *correct* is another matter, of course. This will be explored in the course of the first part. In addition, the relevant aspects of the theories of Kant and Kateb will receive attention. Kant is mainly important here because of his views on practical reason, while the way Kateb approaches 'human dignity' provides a useful contrast to my account.

Once it will have been established on what basis equality is a requisite for a liberal democratic state, it will also have become apparent which rights must in any event be guaranteed, *viz.*, those forthcoming on the basis of formal equality, outlined above. These are rights which take the form of liberties. At that level, then, one may say that equality and freedom cannot merely be reconciled but are intertwined. However, this is still only the minimum that must be realized. There are many liberties that will not have been discussed once this analysis will be completed. After all, by protecting the liberties of some, certain liberties of others, such as that of the employer mentioned above, are limited, and, moreover, there are many liberties the scope of which should be clear at the end of this study, but cannot yet be decided merely on the basis of the foregoing. For instance, to what extent should private parties incorporate the relevant basic equality in their worldview? Should they actually be convinced of the correctness of a certain specification of basic equality, or is it sufficient that they obey the law when it prescribes that they treat people equally, so that they may act on the basis of a conviction that would conflict with the conviction that people are equal in spheres that allow them some freedom in that such freedom has not been depleted

²⁷ Rawls does present an important section in his main work that is aptly titled "The Basis of Equality" (*A Theory of Justice*, § 77 (pp. 441-449)), but whether this sufficiently treats the issue I wish to address remains to be seen.

²⁸ J. Rawls, *A Theory of Justice*, § 11 (pp. 54, 55).

²⁹ Utilizing the famous thought experiment of the veil of ignorance (J. Rawls, *A Theory of Justice*, § 24 (pp. 118-123)).

³⁰ R. Dworkin, "In Defense of Equality", p. 24.

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through legislation?³¹ These are matters that must remain unanswered until the second part, in which the domain of individual freedom will be inquired.

There are at least three reasons for discussing religious freedom at length. First, it seems a pertinent field of inquiry in the context of the first part of the inquiry. After all, if equal treatment is the norm, does this imply that those acting on a religious conviction should be treated equally with those that do not adhere to one? Second, not unrelated to the first reason, this is especially relevant in light of the fact that some of those who represent a religion do not limit themselves to making statements that are offensive to some (they share this with many people who do not operate on the basis of a religious tenet) but actually perform actions that are arguably not inconsequential, such as circumcision, if this takes place without the possibility of knowing whether the person undergoing the procedure consents. Third, the theme generates a great deal of attention in the current public debate. I mention this reason last as I deem it the least important one. This may seem surprising, but it is my ambition to present an outlook whose relevance is not limited to current debates. It is difficult or even impossible to foresee whether the tensions between adherents of the various religions (and between such adherents and atheists) will abate, continue or even intensify. If the second or third situation sketches future events, the justification for all three reasons to focus on this specific issue is presented; I daresay that the advent of the first would merely reduce the third reason to an academic discussion whose ambit does not exceed the confines of its own time and would not derogate from the importance of the first and second reasons, which will remain even if this state of affairs should indeed be realized.

Rawls, Dworkin and Habermas have addressed the issue of the extent of individuals' liberty to refrain from accepting equality as a ('moral') starting point. My theory will be presented most clearly by comparing it with theirs. In the first part of this study, the theories of all thinkers that are extensively discussed (namely, Rawls, Dworkin, Kant and Habermas) are presented before my own alternative. In the second part, such a sequence is only preserved with respect to Dworkin's theory, which appears before my most important observations; those of Rawls and Habermas, conversely, appear after it. The reason behind this succession in part 2 is that what Dworkin says provides a useful frame of reference to formulate my own thoughts; the contrasts will readily become apparent. Rawls's and Habermas's ideas, on the other hand, are most profitably treated in light of those of my own. These concern the limitations of freedom of expression. More specifically, I will first examine why freedom of expression may be limited in the first place, and how the various interests that are involved should be balanced.

³¹ That such spheres should exist in the first place is a given in a liberal democratic state (lest it not be a *liberal* democratic state in the first place; this issue will receive extensive attention in chapter 13). In such a form of government, the question is not whether various sorts of freedoms should exist, but rather whether those that do may be limited at all and, if so, on what grounds.

INTRODUCTION

To this effect, I will introduce the ignore principle. This principle takes all the interests that are concerned seriously by clinging to a broad notion of 'harm'; only thus, it will be argued, may they appropriately be balanced. This principle will also be decisive in determining the limitations of government interference in individuals' private domains, at which point the question mentioned above, whether individuals should be convinced of the truth of the relevant basic equality, can be answered adequately. In this context, the issue of whether states can take a neutral stance in determining the limitations of freedom of expression. A final issue to be addressed is whether individuals in a liberal democratic state should have the freedom to propagate its dissolution. If this question is answered in the affirmative, a paradoxical result seems to ensue, as freedom would be used for the purpose to take away that same freedom, while if it is answered in the negative, it would be necessary to clarify on what basis this freedom might democratically be curtailed. It will be inquired which of these alternatives is most compelling, and whether such a paradox arises at all.

I have made no concessions to precision or nuance where such a stance would have simplified (and thus misrepresented) my meaning, seeing no need to do so considering the intended readership and the relative straightforwardness compared with alternative theories that are rife with notions difficult to grasp and in need of a support of their own, leaving the matter for now whether such a support is usually successful, or even provided, a matter that will arise on several occasions during the research. As for quotes, the original spelling has been preserved; in the case of non-English quotes, the original text is presented along with a translation of my own.

The notions I introduce in this study are necessary to accommodate the thoughts presented here. Although I have made an effort to distinguish between them in a clear fashion, I think presenting them together at the end may have some added value. The reader will find a glossary of modest proportions. In addition, while I have throughout the inquiry tried to be as critical as possible of my own thoughts, an examination of what I have argued appears by means of some possible objections, presented together in the final chapter. They are most profitably addressed there, since they can only accurately be dealt with once the inquiry will have been completed.

