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Freedom and equality as necessary constituents of a liberal democratic state

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GLOSSARY

Glossary

The reader may find a useful aid in the guise of a list of definitions of the most important concepts that are used in this study below. These terms are not, as is customary, rubricated alphabetically, since a hierarchical presentation is warranted: some must first be defined in order to clarify others. This has been a necessary concession to the systematic treatment, which is thus facilitated; the difficulty of the non-alphabetic presentation is mitigated by the fact that few terms are rubricated here, which are of course, in addition, defined in the proper places in the main text.

- *Equality* is a concept that must be specified by additional concepts, as its scope is extremely broad. Not all such concepts are addressed here ('material equality', e.g., needs no attention, as its examination lies beyond the research project), but merely those that feature prominently in the inquiry.

- *Factual equality* is the equality that can in fact be observed to exist, 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 in the sense of approximate 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. 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. Basic rationality is a specification of basic equality.

'Basic equality' is in fact an abstract term. Compared to factual equality it is specified, but it needs to be further specified on the basis of certain characteristics. Those inclined to a nominalistic (or conceptualistic) stance rather than a realistic one may consider it a hollow rather than – or in addition to – an abstract term, and may exclude it from their ontological realm, accepting only the actual basic equalities, of which basic rationality is the only one that is relevant to the present study.

- *Basic rationality* is the specification of basic equality that considers (a degree of) rationality decisive for such a basic equality to exist. As this is a specification of basic equality, which is itself a specification of factual equality in the sense of approximate equality, the degree of rationality in the beings in question is not identical, nor is rationality to be confused with intelligence. For different beings to be basically rational, they need not be precisely equally rational (or intelligent).

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- *Prescriptive equality* is the sort of equality that should be realized, but not on the basis of a ‘moral’ insight (that is what distinguishes it from normative equality; I do not think ‘normative’ implies a reference to a ‘moral’ norm, but in order to avoid confusion I use ‘prescriptive’ rather than ‘normative’), but rather on the basis of what those already deemed basically equal consider the most desirable outcome (in this case, the necessary conditions for a liberal democratic state to remain in existence).

One may distinguish between two concepts of prescriptive equality. The one just mentioned is the most fundamental one, so to speak, while the second version, which may be identified with formal equality, is the prescriptive equality that is dictated by the legislator. Since the legislator has, in a liberal democratic state, been appointed, through elections, by the people, prescriptive equality in this second sense is in fact a demand by those who are basically equal. Their freedom is limited in that they are forbidden to discriminate, which is apparently more desirable than the alternative, namely, that everyone should be allowed to do so, in which case no one could *a priori* have a guarantee that he should not be the victim of acts of discrimination. The limitation may thus be considered a sort of premium one pays in order to be safeguarded from disagreeable results.

- *Formal equality* is the prescriptive equality needed for a liberal democratic state to remain in existence. It is, accordingly, a concretization of prescriptive equality and consists in granting the rights associated with political equality and legal equality to those who are considered basically equal.

- The *ignore principle* stipulates that citizens should be secured against harm they cannot reasonably ignore. There is no reason to limit ‘harm’ to physical harm; there is, in other words, no reason to exclude non-physical harm from the analysis as insignificant. Whether harm must be endured or not depends on whether one must reasonably be able to do so. This standard of reasonably ignorable harm cannot be decided on the basis of *a priori* considerations since ‘reasonably’ is no absolute term but rather one that must be concretized in accordance with the circumstances of individual cases.

- *Freedom* is, just as equality, a very broad concept, and must likewise be specified. No elaborate notions of freedom, like the fulfillment of one’s potential, are defended throughout the text, as no need to do so has arisen, let alone the notion of ‘free will’ (if this may be said to constitute a notion at all, which may be contested). ‘Freedom’ and ‘liberty’ are used interchangeably throughout the text.

- *Negative freedom* is the sort of freedom that consists in the absence of opposition, specifically the absence of opposition brought forth by the state (or, concretely, by the government), but not exclusively so (for opposition may also come from citizens). This specification qualifies it vis-à-vis the more general notion of freedom of movement, which covers both negative

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freedom and the freedom that consists in the absence of physical opposition that has no political meaning, such as the opposition of a locked door, impeding one's exit or entrance.

- *Liberal democracy* is a form of government that is a species of democracy. Democracy is not taken here to constitute substantive elements, such as those that would supposedly identify a people; 'democracy' refers rather to a political system in which, put in the simplest terms, (a majority of) the citizens have a significant influence on the contents of the legislation, which is realized through elections in a state characterized by representative democracy. This means that 'democracy' is identical to 'formal democracy'.

'Liberal democracy' is a species of 'democracy'. Here, too, no substantive elements are decisive. The scope of the citizens, i.e., those individuals who have a right to decide what the contents of the legislation shall be, is decided, in a liberal democratic state, on the basis of the criterion of basic equality. What defines the 'liberal' part is the inclusion of a number of liberties, such as the freedom of expression. The extent of these liberties cannot be *a priori* demarcated, as it cannot be said in general to what degree they may be limited. Even if the ignore principle is accepted, much depends on the circumstances of individual cases. This means that 'liberal democracy' is a somewhat flexible concept, since the mere presence of certain liberties – so irrespective of their extent insofar as their practical realization is concerned – is sufficient to conclude to its existence.

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