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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>

Version: Corrected Publisher's Version

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Note: To cite this publication please use the final published version (if applicable).

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Issue Date: 2014-05-21

SUMMARY

Summary

This inquiry seeks to determine to what extent equality and freedom are constituents of a liberal democratic state; part 1 deals with equality, part 2 with freedom. Since the concept of the *liberal* democratic state is the subject matter at hand, it seems obvious that freedom is not absent, but that does not answer the question *to what extent* it should be allowed to citizens, which is what is inquired in detail. As for equality: equal rights, such as the right for every (adult) citizen to vote, are generally accepted to be an integral part of a liberal democratic state, but this raises the question on what *foundation* such rights are based. Equal rights have widely been defended on the basis of various moral viewpoints. After dealing with some preliminary matters in chapter 1, the tenability of some important and representative theories are examined in chapters 2 to 5.

Rawls's theory focuses on rationality as the pivotal feature to consider beings as equals and to treat them equally, but fails to indicate the import of this feature in that it remains unclear whether rationality is a moral characteristic. The problem with Dworkin's position, on the other hand, is its abstract nature: Dworkin does not base his account on rationality as a special characteristic, but instead speaks of some beings being 'intrinsically valuable'. In Kateb's account, 'human dignity' is the focal concept. When it comes to providing the basis for human dignity, this position appears to be difficult to uphold, primarily because it remains unclear precisely which characteristic of human beings is supposed to account for their alleged dignity. In Kant's alternative, this problem is absent, as reason – in a special sense – is the crucial feature for him. The main problem in this case is that it is difficult to see how dignity should follow from being reasonable or acting on the basis of reason.

Starting from a moral outlook is problematic for these reasons and others, so in chapter 6, a position that does not use such a basis is defended. 'Basic equality' is the crucial notion here. Simply put, the actual (approximate) equality, which I call factual equality, is the starting point, to be specified by basic 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 (and simultaneously *by* them, as they are, in a liberal democratic state, also the ones who establish this). Basic equality must in turn be specified. Rationality, I argue, is the most viable characteristic to realize this specification in a liberal democratic state; this has no moral connotation.

The upshot of this stance is that a realistic alternative to the theories discussed above is offered, the benefits of which are twofold. On the one hand, vague and problematic terms are shunned, which adds to the position's consistency and tenability, while it provides, on the other hand, a solid basis for a liberal democratic state to recognize one of its essential features. This means that formal equality, manifested in political equality (exhibited by political liberties, such as the right to vote and the freedom of speech) and legal equality,

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resulting in equal treatment (e.g. of employees by their employers), can be upheld without the need to resort to moral premises that not only fail to constitute a consistent account but are in addition not universally acknowledged.

Part 2 of the inquiry deals with freedom. After some general remarks are made in chapter 7, the import of freedom is indicated in chapter 8. This makes it clear why granting citizens as much freedom as possible is beneficial for both the liberal democratic state as a whole and for citizens themselves. However, as the phrase ‘as much as possible’ indicates, it is important to define the limits (if any) of freedom carefully. Since part 1 of the inquiry emphasizes the importance of (basic) equality, it would seem appealing to connect it with freedom. The merits and difficulties of such a position – Dworkin’s ideas are examined here – are expounded in chapter 9. An alternative for it is offered in chapters 10 and 11, where a demarcation line to limit freedom is defended. Mill’s harm principle provides a useful frame of reference here; the ignore principle, as it is called, seeks to find the optimal outcome in balancing the various interests that are involved.

The foregoing prompts the question of whether the liberal democratic state can adopt a neutral stance, and how it should respond to those who deny certain principles of a liberal democratic state, notably those defended in part 1 of this study. In other words: what should the state’s position be towards those who deny that people are equal, e.g. on the basis of racial differences? This is the central issue that is examined in chapters 12 to 15. I argue that it is not the task of a liberal democratic state to decide what people should think, but that, in line with what is maintained in chapters 10 and 11, only equal *treatment* should be guaranteed, meaning that the outward acts of citizens may legitimately be regulated but nothing else. In this light, Rawls’s and Habermas’s positions are examined critically.

Finally, some attention is devoted to the subject matter of militant democracy. The question is pertinent whether the liberal democratic state might be undermined by its own principles. After all, a majority is able to radically change this form of government to one that is ultimately incompatible with those very principles. I try to approach this issue as consistently as the others that present themselves throughout this inquiry.

