On the Self-defense of a Liberal State

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Codes in the margins, eg [qc-3], refer to the section for questions to the author, answers, and comments at the end of the article.

Abstract: It is commonly assumed that liberal freedoms and rights may be suspended temporarily if a state is challenged in serious ways, by military aggression or natural disasters, for example. However, this is only acceptable if the reason for the suspension is expected to be temporary, and if it is assured that democratic rule will be reinstated when the challenge has subsided.

However, there may also be conditions that represent a *permanent* challenge to a liberal state or, more precisely, a challenge where one can not foresee that or when it will cease. Such challenges may arise both because of internal strife, or due to external actors, such as other states, or (conceivably) global economic or ideological interests. A state that suspends liberal rule in such situations runs an obvious risk of not being able to recover it, at least not by peaceful means.

It is an important question, therefore, how a liberal state shall find a policy that can effectively counter challenges to its liberal rule while still staying within the boundaries that it sets for itself. When this question is considered, it may also be permitted to discuss how far liberal principles can be stretched, since there is no final and unambigous definition of what shall be meant by the term 'liberalism'.

Besides being an important question, it is also a relatively new one. Although the founding fathers of liberalism had a vision of what a good state should be entitled to do, or not, there was no state that realized these ideals at their time, so it is natural that they did not pay any attention to the question of what means a liberal state would be entitled to use when confronted by non-liberal opponents.

The present article shall address this question by describing an interpretation of liberalism that approaches its perceived boundaries, and that maybe proceeds beyond them. It shares the liberal view concerning the importance of individual freedoms, but it proposes that the defense of these freedoms may require the state to take on certain tasks that traditional liberalism did not foresee. This interpretation will be referred to as *paraliberalism* since it may be debatable whether it deserves to be called a kind of liberalism, or not.

One section at the end of the paper will discuss whether such paraliberalism is adequate as a basis for government, and whether it would be well suited for resisting the challenges that liberal states are currently being confronted with. **End of abstract.**

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The Value Culture and Society-founding Values

The characteristic property of the position described here is that it advocates the importance of a *value culture* in society. Such a value culture includes those activities where 'values' are proposed, debated, and applied, both in the public discourse and in closed groups. In analogy with eg a music culture or a sports culture, a value culture will engage a large proportion of the citizenry, albeit in a variety of ways, and with varying intensity.

The vitality of the value culture is important for several reasons. First of all, values are important in the formation of a mature individual, and the development of those values is necessarily a social activity; it can not be done by each individual in isolation. But paraliberalism also proposes that liberal democracy depends, for its viability, on the existence of a set of *society-founding values* that are shared by the entire population, or at least by a very large majority there. These are intended as values that are essential for the proper functioning of the society, including both the formal government and the civil society. A value culture is essential for the formation, dissemination, and eventual acceptance of those society-founding values. Reciprocally, the value culture can only function if its participants adhere to certain basic values, such as an open mind and a respect for the opinions of others.

Because of the importance that it assigns to the value culture, paraliberalism also proposes that the state shall play a role for encouraging and protecting this culture, although certainly without imposing any undue controls on it.

These arguments for a value culture are analogous to the classical, liberal arguments for basic liberties. Freedom of speech and freedom of assembly are important both for the well-being of the individual, and for the proper functioning of a state, for example. A vital value culture ought to bring both those benefits as well.

Value Communities

In line with liberal principles, it is important that citizens can and do participate actively in the establishment and (when called for) the revision of these society-founding values. The public discourse in newspapers and other classical media serves this purpose to some extent, but it is limited since very few persons get an opportunity to be heard there. Recent innovations, such as 'comment fields' and social media allow many more people to express themselves. However, the discussion in those media is often so repetitive and uniform that true debate does not occur.

In order to complement existing media, paraliberalism advocates the importance of *value communities,* i.e. social groups that operate in accordance with lib-

eral principles, and where values are conveyed, discussed and applied, and where they are also open to revision. Value communities can be large or small, and formal or informal, sometimes in a layered fashion. This provides a democratic framework for the establishment of common values in a society.

Many social activities may be described as value communities, so the proposal here is merely to improve and consolidate a phenomenon that already exists – not to introduce something that is entirely new. For the present purpose, a value community is defined as a group of people whose values and attitudes are sufficiently similar that it becomes possible for the group's members to have constructive discussions about their remaining differences in these respects.

Therefore, a value community shall not be understood as a group whose members have the same opinions with respect to their values. A group without disagreements, or with too few disagreements would not serve its purpose. On the other hand, if a group is polarized so that its members can not even discuss their differences, then it does not qualify as a value community either. A good value community shall foster debate, and it shall allow members to learn from each other (even between generations). It shall also allow the gradual evolution of values, both in each member individually, and in the group as a whole.

Autonomy and Responsibility of the Individual

Values are important since they influence people's behavior, not deterministically, but as constraints the send signals about what to do in particular situations, and what not to do. The concept of values is taken in a broad sense, therefore: it includes not only statements about what is good and what is bad, but also pieces of advice about what to do and how to behave in certain types of situations.

A person that behaves in accordance with her ([2]) values shall be called *autonomous* here. More exactly, *autonomy* shall be defined as

independent thinking and acting with the help of knowledge and reason, and guided by one's own, responsible attitudes and values.

(The term 'attitudes' will be explained later on).

Different individuals will often have different values, so they will exercise their autonomy in different ways, but *responsibility* is taken to be a necessary aspect of autonomy. It is defined as *an ability to foresee the effects of actions, an inclination not to take actions with detrimental effects, and to help putting things in order when significant problems have occurred.* In this context, of course, the person's values will determine what is considered as 'detrimental', and what is

[2]The pronoun 'she' will refer to all persons, regardless of their gender.

considered to be a 'problem'.

The autonomy concept is used both descriptively and normatively, since it is claimed that humans in general are in fact capable of autonomy, and it is also claimed that a good human society should be based on the assumption that its members exercise responsible autonomy. Such a society shall encourage and facilitate autonomy, for example, in the education of children and adolescents.

Beneficial Values can Develop in Value Communities

Since people's behavior depends on their values, and these values develop by participation in a value culture and in value communities, one may ask for some kind of guarantees that only beneficial values will emerge in this way. Does paraliberalism take for granted that people are inherently good?

Not exactly, but it does observe that humans have a number of capacities that seem to be inherent in humans to some extent, and that can be encouraged and strengthened so that a good society is obtained. These *basic capacities* are, to begin with:

Humanistic capacities, namely *empathy, solidarity* in a group, and *engagement* for the sake of humanity as a whole.

Social capacities, namely respect for the *dignity* of other humans, active participation in human communities, and respect for *the laws.*

Cognitive capacities, that is, *openness* both in interactions with other individuals, and towards new facts and opinions, as well as *good judgement and common sense,* and *thinking and acting rationally* .

Initial versions of these capacities in an individual may be innate or the result of training very early in life, or a combination of those. They can mature and be amplified later in life. Some individuals may in fact only be acquire them by social training later in life, and this also applies for a fourth group, namely:

Environmental capacities, such as the appreciation of unspoilt nature and the concern for its preservation.

Inherent capacities of these kinds provide an initial set of basic values which can develop in a social context, leading to *mature values* for the person in question. With respect to the question how beneficial values can emerge from individuals that participate in a value culture, the answer from paraliberalism is that the combination of the basic capacities and the maturing effects in good value communities are the best available guarantee for having a society that is dominated by beneficial values.

Reciprocally, in every value community, the autonomy and the mature values of its members are quite important for its ability to function well, and this is especially true for the social and cognitive capacities. The social capacities imply that

the value community can not be authoritarian, for example, and all the cognitive capacities are important for a constructive discourse in the value community.

The existence and vitality of value communities is important for the organization of a human society, both for civil society and for the formally organized government. Many value communities occur spontaneously, for example when a group of employees meet regularly for coffee breaks. The discourse there may include value judgments about current events, sometimes extending into a discussion about the reasons for or against a certain verdict. As another simple example, a value community may operate like a book club that meets regularly in order to discuss a book that its members have read. Such a value community would use ethics-oriented reading materials rather than literary works, although one can also think of texts that would qualify as both.

Other value communities may be much larger, and they need not meet in person. A group of people that use social media to exchange views on current events may well qualify as a value community. Each of the organizational levels of a political party may also be seen as a value community.

Small-size value communities may hop from one topic to another according to the events of the day, but larger communities will usually be defined for a well defined topic. This topic will focus the discourse in the community as well as the consensus that may arise there.

While paraliberalism defends the individual's autonomy in choosing her own values, it also proposes that an ordered society has a right to defend and to favor the mentioned capacities as well as the promotion of responsible autonomy. Such policies from society's side may only be exercised within the boundaries that are set by liberalism, of course, but their very existence shall not be seen as an infringement on the freedom of individuals.

The View of Government and the State

For paraliberalism, its view of responsible autonomy leads to views of government and the state. The fundamental capacities of the individual and her desire for autonomy are inborn, to some extent, but they must also be encouraged and further developed during childhood and adolescence. This occurs in a natural way in the family, but it must be complemented by the family's local environment and by the state, in particular by the school and pre-school system.

For example, according to Swedish law, the school system has two major goals: the child's acquisition of knowledge and skills, and her acquisition of 'democratic values'. With respect to the latter goal, a school may well operate like a collection of value communities.

For adults, the extent and character of their participation in value communities must of course be a personal choice. There are many things that people want to

spend their time on, such as sports, social media, hobbies, entertainment, social work, culture, or studies. Society will benefit if the value culture gains a certain share of many people's attention and interest. The state may give its support to this, for example by requesting that public radio and television should give attention to values-related contents in its programming, including debates where different points of view can come forth. Both the state and the private sector may contribute new ways to activate thinking about values, through computer games, for example.

Just as the actions of individuals must be constrained both by laws and by their own values, the same observation applies to states. It is proposed, therefore, to apply the concept of responsible autonomy to states, as well as to individuals. States, like individuals, should deliberate and act with the help of knowledge and reason, and be guided by responsible values and attitudes. This is one reason why each nation-state shall strive to be a comprehensive value community with respect to its society-founding values.

The Value-community Structure and the Political Structure

In an ideal nation-state according to paraliberalism, there will be two interdependent structures, namely, a value-community structure and a political structure, where the latter is what we have already: a system of representative democracy comprising an elected government, a parliament, political parties, and so forth. The value-community structure consists of value communities and their interconnections whereby small and local value communities have a dialogue with each other and with larger communities in a layered fashion.

In such a state, each citizen is expected to participate actively in both those structures. This model has some resemblance with the duality between spiritual power and temporal power in Catholicism [Foccroulle, 2021], but with an important proviso: the value-community structure shall not submit itself to divine revelations, past or present ones, nor to the 'guidance' of clerics or other experts. Instead, it should be a profoundly democratic organization that has a priority on open discussion, together with direct democracy when decisions have to be taken.

The View of Actions and Morality

Morality is exercised through actions. Value statements in the literal sense – statements that say whether something is good or bad – may be used for choosing actions according to their expected effects, but morality must also relate to actions directly. Paraliberalism uses the concepts of *attitude* and *guideline* in this respect, and with the following paradigm. When a person meets a not-so-easy situation,

she will often need to choose a policy for how she will act as the situation develops. Such a policy is called an attitude here. For example, if a person receives the news that her daughter is getting engaged to a man with a criminal history, she must decide what to say, and how to say it, not only to the daughter and the fiancé, but also to other persons involved. Therefore, an attitude is often a behavior over time, and not just momentary.

The choice of attitude is an exercise in autonomy, but it may rely on a repertoire of guidelines for how to deal with types of situations. A guideline is not a rule that must be followed; it is a kind of value that can be used as a component when the person compiles her attitude. The concept of values subsumes both attitudes and guidelines.

The paradigm of attitudes and guidelines provides more precision and nuance than simple classification schemes where actions are categorized as being 'righteous' or 'sinful', or as 'halal' and 'haram'. One important use of guidelines may be for advice about how to deal with situations where there is a conflict between several values. Paraliberalism does not attempt to provide any general method for resolving such conflicts, but guidelines may be useful there, due to their dynamic character. [*qc-4*]

The Communitarian Critique of Liberalism

Liberalism has been controversial for as long as it has been advocated, and the critique has come from a variety of camps. One such dissenting group, which is often referred to as 'communitarians', is of particular interest here because of its relative proximity to liberalism: major parts of the liberal outlook seem to be shared by communitarians as well. Their arguments call for a number of amendments, rather than a complete revamp of the liberal framework.

In his encyclopedia article about communitariansm [Bell, 2020], Daniel Bell identifies three major points in the communitarian critique of liberalism:
(1) Objections to its universalist claims, such as its promotion of universal rights;
(2) Differing views of the individual or 'the Self';
(3) Differing views of the 'Politics of Community'.

The first two of these have largely been resolved, in his opinion, and it is the last point that is mostly of interest today. He remarks that many communitarian critics may have been motivated by pressing political concerns. He writes:

many communitarians seem worried by a perception that traditional liberal institutions and practices have contributed to, or at least do not seem up to the task of dealing with, such modern phenomena as alienation from the political process, unbridled greed, loneliness, urban crime, and high divorce rates [which may be why they have emphasized] social responsibility and promoting policies meant to

stem the erosion of communal life in an increasingly fragmented society.

and he continues:

So the distinctive communitarian political project is to identify valued forms of community and to devise policies designed to protect and promote them, without sacrificing too much freedom.

Three types of community are proposed, based on their members living in the same area, or sharing a common history, or sharing a sentiment of trust and loyalty. Such communities are often referred to as being parts of the 'civil society'. Value communities as proposed in this article should also qualify.

Communitarians propose furthermore, according to Bell, that every person is well advised to participate in all these kinds of communities, so as to lead a rich and fulfilling life. Her doing so would also be in the interest of society. Bell observes himself that this may be an unrealistic goal, given all the other demands on people's time and interest in the modern world.

One might add that many people apparently prefer to have some time where they can exercise their own autonomy without being included in any community at all.

Paraliberalism does not give any such advice for how people should lead their lives. It recommends the collection of responsible capabilities as being in the interest of both the individual and the society, and it also expresses an expectation that citizens shall participate in a certain kind of community, namely value communities where society-founding values are sometimes discussed. It does not express any expectation or recommendation concerning participation in other kinds of communities.

Such an expectation should never be turned into an obligation since this would be dubious from a liberal point of view, and also because it would be counterproductive. Participation in any kind of community is only meaningful if it is voluntary. Forcing a person to participate against her will would not only be a waste of her time; it would also be a disturbance and a drain on energy in the community where it occurs.

Protection of the Individual's Integrity and Free Will

Coercion whereby a person is forced to participate in activities against their will is against the spirit of liberalism, of course, but the concepts of free will and of freedom have some other important aspects as well. If a person is subjected to indoctrination or to 'fake news' that distort her ability to make informed decisions, then she can not be said to be truly free. The same applies if her mental capacity

is impaired by the use of drugs, for mentioning an extreme case. One may argue, therefore, that a liberal society shall do its best to protect its citizens from damage to their autonomy or to their related capabilities, such as their solidarity, or their good judgement.

Such protection does not have to come from the state in the sense of the government, however, and there may be good arguments that in some cases it should be offered by other agents rather than the state. First of all, capabilities such as good judgement and common sense offer in themselves a certain protection against disinformation, and this protection may also be enhanced by training. The discussions in value communities should also offer additional resistance against fake 'information'.

In spite of these caveats, it remains that the forces of cognitive distortion are so strong that some government interventions seem to be called for. Large economic and criminal interests may be some of those forces. Sometimes it is difficult to [*qc-5*] draw the line between what is a distortion, eg 'fake news', and what is correct information. Even if the distinction appears to be clear for those who consider themselves well informed, they may find it difficult to convince groups with another view of reality.

A particularly difficult problem arises with respect to some religious beliefs. For example, can it be deemed appropriate when parents explain to their children that they will suffer incredible pain forever in hell if they perform certain acts? From the point of view of a believer, doing so may be entirely correct as a way of saving the child from perdition, whereas for the non-believer this teaching is an unexcusable way of threatening the child with an invented horror story. And how shall the public school system in a liberal state deal with situations where students have been taught different 'truths' at home on such issues? The existence of such points of contention may stand in the way of achieving a nationwide consensus about society-founding values. In fact, the liberal state may not always be able to [*qc-6*] stand by its professed neutrality in religious matters.

As described in the section on autonomy and on responsible characteristics, paraliberalism takes for granted that initial versions of these are innate or the result of training early in life. It also presumes that society shall encourage and facilitate their continued development, for example in the school system. From the point of view of liberal purism, one may question whether 'society' (and maybe 'government') ought to take this role. Maybe each individual should be left alone in her care for her own personality? Also, adherents of the 'rights' of families may argue that parents should have a priority right to shape their children's character, and that government should not intrude there.

There are no easy answers to these issues, but paraliberalism would argue that there must be a balance between the family's role in the child's development, the individual's own discovery of her proper identity, and the broader perspective that

can be offered by a public (or publicly regulated) school system. If the state and the society are denied a role in this respect then an ordered society runs the risk of not being sustainable.

Expecting the Participation in Value Communities

Freedom of assembly is one of the pillars of liberalism. One may ask, therefore, whether a rule that citizens are expected to participate in certain value communities may violate fundamental liberal principles. In defense of this rule, however, one may refer to the free choice of which value communities one wishes to join, and also emphasize that meeting this 'expectation' is not and should not be mandatory, for the reasons already stated. One may also consider that participation in value communities is just one method for realizing a value culture, so that alternative methods may also be used.

In fact, there are several reasons why a value liberal society should actively encourage value communities: because of their role in the formation and dissemination of society-founding values, and because of their importance, as a necessary complement of the state machinery, for protecting and (when necessary) repairing conditions in society. Such a policy is therefore entirely in line with the following statement in [Humboldt, 1792] which was also quoted in [Mill, 1879]:

The Grand, leading principle towards which every argument unfolded in these pages directly converges, is the absolute and essential importance of human development in its richest diversity.

This principle does not merely require the removal of a number of barriers; it may also require the installation of certain barriers.

Paraliberalism in a Communitarian Perspective

As described above, Daniel Bell identified three major points in the communitarian critique of liberalism:
(1) Objections to its universalist claims, such as its promotion of universal rights;
(2) Differing views of the individual or 'the Self';
(3) Differing views of the 'Politics of Community'.

Paraliberalism does not adopt a universalist viewpoint, in particular since it emphasizes the bottom-up character of value formation and value revision in a value culture. In an extended account of paraliberalism, [Sandewall, 2022]. I argue that the UN Universal Declaration of Human Rigths, as well as other similar documents, must be seen as international agreements, and that they can not be seen as natural law so that they can not be seen as 'universal' in a strict sense.

[*qc-7*]

With respect to the view of the Self, and while there different liberal authors may have different views, communitarian critique has concerned a perceived overemphasis on individual freedoms, and a lack of attention on social needs. Paraliberalism tries to strike a reasonable balance between individual freedoms and the means whereby a liberal society can protect itself, which is the topic of the present article. It refrains mostly from taking positions on social and economic issues.

In explaining the concerns of communitarians with respect to his third point, Daniel Bell mentions social ills such as "alienation from the political process, unbridled greed, loneliness, urban crime, and high divorce rates". Increased participation in various kinds of social groups would not necessarily help with these problems, although one may argue that participation in *the right kinds of social groups* would help considerably. What would be their distinguishing feature? It seems likely that groups that are based on clear values and moral convictions would qualify in this respect.

When paraliberalism promotes the concepts of a value culture and of value communities, its direct goal is not for alleviating social ills. Two other goals are seen as the primary ones, namely, the importance of the value culture for the individual's mental growth, and for the development of shared society-founding values. Dealing with social ills requires several other kinds of measures, including in economic policy, and the development of society-founding values is only one part of a larger picture, although an important part.

Conclusions: the Relevance of Paraliberalism

The initially stated questions for this article were whether paraliberalism, as described in outline here, would likely be adequate as a basis for government, and, secondly, whether it would be well suited for resisting the challenges that liberal states are currently being confronted with. Neither question can be answered with certainty, of course, but some common-sense observations about them are still possible.

With respect to the adequacy as a basis for government, one natural answer can be provided if there are countries whose actual characteristics are in line with paraliberalism. My own country, Sweden, can be used as an example in this respect, and I believe that the same can be said for the neighboring Scandinavian countries. The notion of 'national values' is often used in the public discourse here, and although it is sometimes used in a simplified way or for partisan purposes, there is also a real awareness of how shared values keep the society together. I would argue that this feature contributes to the viability our political system. [*qc-1*]

Only mentioning these countries is not intended to say that other countries could not also be quoted as examples, of course. I would just not venture to make statements about any other countries in this respect.

[*qc-2*] With respect to the ability for resisting challenges to the system of liberal democracy, two types of challenges are of particular interest. First, there are subversive challenges that endanger the social fabric of a country. Paraliberalism makes proposals for strengthening this cohesive factor, and it is hard to see how it would be counterproductive.

In addition, there are the philosophical challenges that have been made by communitarians, and also by others. For example, Wael Hallaq has criticized Western modernity in his book 'The Impossible State', [Hallaq, 2012]. One of his objections is that modern states do not have any morals, and that they lack the necessary foundation for such a moral. The description of paraliberalism is intended as a starting-point for arguing that political liberalism does not have to be what these authors make of it.

The Naming and Source Documents of Paraliberalism

As a reference for the present article, an extensive description of paraliberalism is being produced. It is available in a preliminary version, [Sandewall, 2022], although only in Swedish language at present. An English translation is being prepared.

The Swedish journalist Per Ericson proposed an interpretation of liberalism in his essay *Leva fritt och leva väl* (Live Free and Live Well), [Ericson, 1999], which was an important inspiration for the work reported here. In particular, countering communitarian critique of liberalism was an important part of his book. He used the term *värdeliberalism* (value liberalism) for his approach.

As stated above, the reason for using the term 'paraliberalism' in this article is that it may be debatable whether what is described here qualifies for being seen as a kind of liberalism. Actually, the same term has previously been used by Musa al-Gharbi in [al-Gharbi, 2016] where he wrote:

Provided that a given practice, system or institution is "ethically reasonable" relative to the socio-cultural context in which it exists, liberals must not only tolerate but respect these disparities, however radical they may be. This embrace of comprehensive doctrines, life plans, and systems of social organization strictly on the basis of their (contextualized) ethical reasonableness – without regard for conformance to Western-liberal norms or expectations – can be described as paraliberalism.

By way of comparison, the present article builds on the notion of 'responsible capabilities' that were described above, which means that it is also not restricted to Western-liberal norms per se. It does however include the respect for the equality and dignity of all humans as one of its norms, whereas it is not clear whether

al-Gharbi's definition would do the same. These two definitions are not identical, but this is not likely to cause any confusion.

Acknowledgements

I am greatly indebted to Per Bauhn for his challenging and constructive comments on earlier versions of this manuscript.

References

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[Foccroulle, 2021] Xavier Foccroulle Ménard and Anna Su, *Liberalism, Catholic Integralism, and the Question of Religious Freedom*, Brigham Young University Law Review, 2021-03-09.
https://dx.doi.org/10.2139/ssrn.3768764

.

[Bell, 2020] Daniel Bell, *Communitarianism*. In: Stanford Encyclopedia of Philosophy
https://plato.stanford.edu/entries/communitarianism/

.

[Humboldt, 1792] Wilhelm von Humboldt, *The Sphere and Duties of Government.* Traditional, 1792 (English translation 1854).
https://oll.libertyfund.org/title/coulthard-the-sphere-and-duties-of-government-1792-1854

.

[Mill, 1879] John Stuart Mill, *On Liberty.* The Walter Scott Publishing Co., 1859.
https://www.gutenberg.org/files/34901/34901-h/34901-h.htm

.

[Hallaq, 2012] Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicatment*. Columbia University Press, 2012.
https://bdpad.files.wordpress.com/2015/05/wael-b-hallaq-the-impossible-state_-islam-politics- and-modernity's-moral-predicament-columbia-university-press-2013.pdf

.

[Sandewall, 2022] Erik Sandewall, *Värderingar, liberalism och islam* (Values, Liberalism and Islam). Liberal Kommentar.
www.liberalkommentar.se/sv/intro-bok/ Partial translation available there.

.

[Ericson, 1999] Per Ericson, *Leva fritt och leva väl* (Live free and live well). Timbro.
https://timbro.se/app/uploads/2018/11/75664143.pdf

.

[al-Gharbi, 2016] Musa al-Gharbi, *From Political Liberalism to Para-Liberalism: Epistemological Pluralism, Cognitive Liberalism and Auuthentic Choice.* Comparative Philosophy: Vol. 7: Iss. 2, Article 4.
https://scholarworks.sjsu.edu/comparativephilosophy/vol7/iss2/4/

Questions, Answers, and Comments

The following are questions and comments that have been submitted by readers of this article, together with corresponding answers and additional comments by its author. Further questions and comments are welcome and can be sent to the author at erik.sandewall@liberalkommentar.se

Author writes: [One of the questions] for this article was whether paraliberalism, as described in outline here, would likely be adequate as a basis for government. [*qc-1, p. 11*]

Remark: This question was answered tentatively by referring to the experience in Sweden and other Scandinavian countries.

Author writes: [The other question] for this article was whether paraliberalism would be well suited for resisting the challenges that liberal states are currently being confronted with. [*qc-2, p. 11*]

Remark: This question is discussed towards the end of the article. Comments are invited.

Author writes: Absolute freedom is therefore understood to be restricted in two ways, by the person's own values, which she has chosen herself, and by the laws and rules that are based on the consensus of a democratic society. [*qc-3, p. 3*]

Question by Per Bauhn: You do not require that these laws and rules should be liberal? Any kind of consensus would constitute a legitimate ground for restricting individual freedom?

Answer: One would like to assume that the legislature in a democratic society will only enact laws that are consistent with liberal (or at least paraliberal) principles. However, if it were to pass laws that may not be liberal, then the only way to invalidate them is through a judiciary system that is independent of the legislature. The inherent weakness of such a system is that individuals or groups are then able to delay the application of a new law by pursuing a legal process, even to the level of a supreme court. I would prefer a system where one abides by the current laws, and tries to get them changed if one disagrees strongly with them.

It must be granted, however, that a system where the legislature has the last word concerning the laws has its weaknesses as well. Any such system can go sour if it is not upheld by shared values.

Notice, however, that the quotation mentions both the person's values and society's laws as the two types of restrictions on total freedom. In the extreme case where a legislature has enacted a law that is deeply immoral, then (presumably)

the person's values are incompatible with that law. It will then be up to each person to use her own values in order to decide how to act.

[*qc-4, p. 7*] **Author writes:** Paraliberalism does not attempt to provide any general method for resolving such conflicts, but guidelines may be useful there, due to their dynamic character.

Question by Per Bauhn: But surely it must say something about a hierarchy of values? Is freedom more important than equality? Is societal material well-being more important than individual freedom? If so, why?

Answer: If you ask about a priority ordering between two specific values, like the ones you mention, or among the clauses of the UDHR, the most likely answer will be "it depends on the particular situation where the conflict has occurred". This shows that a hierarchy of values is a very crude way of resolving conflicts of values, and more accuracy can be provided by meta-level guidelines that make recommendations about how to balance different aspects of the situation at hand. Also, since an autonomous individual must be able to learn from experience, she should be able to modify her own value system, but adding case-oriented guidelines would seem to be easier than changing a hierarchy of values.

The amswer to [qc-7] below provides another example of a conflict of values which is so complex that a simple priority ordering is not adequate.

[*qc-5, p. 9*] **Author writes:** The forces of cognitive distortion are so strong that some government interventions seem to be called for. Large economic and criminal interests come to mind in this respect.

Question by Per Bauhn: What do you mean by this?

Answer: Government restrictions on advertising for hard liquor is one example. The present (Swedish) debate about the connections between rap music and criminal gangs is another.

[*qc-6, p. 9*] **Author writes:** The existence of such points of contention may stand in the way of achieving a nationwide consensus about society-founding values. Therefore, the liberal state may not always be able to stand by its professed neutrality in religious matters

Question by Per Bauhn: But from a liberal point of view, the problem is not the loss of consensus, but the inhibition of young individual's capacity to form an opinion of their own, or their being prevented from access to reliable facts.

Answer: There are several problems with the points of contention that were re-

ferred to in these lines, ie whether the prospect of suffering forever in hell is an actual risk or a made-up story. But is it the youngster with a strictly religious upbringing, or the one with a secular upbringing that has been deprived of her capacity to form 'an opinion of her own', if they have strong but opposite beliefs in this respect?

Author writes: Paraliberalism does not share this universalist viewpoint, in particular since it emphasizes the bottom-up character of value formation and value revision in a value culture. In an extended account of paraliberalism, [Sandewall, 2022], I argue that the UN Universal Declaration of Human Rigths, as well as other similar documents, must be seen as international agreements, and that they can not be seen as natural law so that they can not be seen as 'universal' in a strict sense. [*qc-7, p. 10*]

Question by Per Bauhn: True, but most theories of human rights are developed within moral philosophy and do not rely on political documents and manifestos. Distinguish between political and moral arguments about human rights.

However, a follow-up question if you do not subscribe to universalism: does this mean that paraliberalism is a relativistic doctrine? Does it assume that liberal values only work in certain societies at certain times? But how would it then be able to claim that, for instance, islamist principles would not be the best for people living in a muslim community? If it is relativist, on the other hand, how would it be able to argue in favour of turning Islamist communities into liberal ones? (Even Islamist minority communities within a liberal majority society?)

Answer: Wrt your first point: yes, I am quite sceptical of moral arguments for universal human rights. Wrt your follow-up question: paraliberalism includes a belief that it is appropriate in a society where most of the citizens exhibit responsible autonomy, including the capacities that are specified in the article. Other societies may not be well advised to implement its view of the state. I do not see how "turning an Islamist community into a liberal one" can be done at all by outsiders, and certainly not by methods that are acceptable for liberalism.

With respect to an Islamist minority in a paraliberal state, it is important that such a state upholds basic liberties for all its citizens, such as the right to change religious affiliation. Even if a religious minority group believes that apostacy is forbidden ('sinful', or 'haram'), freedom of religion in the state as a whole does not allow this group to implement their belief by coercing members that contemplate leaving the group. A paraliberal state may also impose restrictions on free speech whereby the rule against apostacy can not be promoted and advocated freely.