

Direct Democracy with Open Debate for Establishing National Guidelines

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In this article I argue the utility of 'national guidelines' for dealing with controversial issues, with a proposal for how such guidelines could be developed and gain wide acceptance. The current controversy concerning Quran burnings in Sweden and in Denmark is one example of an issue where this proposal could be applicable, or could have been applicable.

First, a brief recap of these events. The highly publicized Quran-burning events that took place recently have led to outrage against our country in a number of Muslim countries, some of them now demanding that such actions should be made illegal here. At the same time, several of our leading politicians have made known that while they strongly disapprove of burning a Quran, they also argue that criminalization is the wrong way to go since such acts must be allowed according to the freedom of expression. One may add that blasphemy is a way of expressing deeply felt disgust towards a religious doctrine or establishment, and that a number of religions have at times evolved into a worldly power where the creed has been used as a means of coercion and oppression. Therefore, blasphemy can sometimes serve as a safety valve, and as a means of last resort whereby the oppressed can express their abhorrence.

On the other hand, the use of blasphemy should arguably only be used in exceptional situations, and it should not be part of normal behavior in a normal society. This may be taken as an argument in favor of criminalization, with the understanding that a person can always be excused for having broken a law if they have a strong reason for doing so. However, there are situations where this approach does not work. For example, if a blasphemous act leads to civil disorder, then law enforcement agencies can not be expected to disregard (and even to protect) the performance of illegal acts, even if they should sympathize with them.

A recent article on this website [1] discusses the official reactions in several Muslim countries towards the recent Quran burnings, as well as the pros and cons of criminalizing blasphemous acts. It also mentions another approach that may handle these problems in a better way, namely if the government issues *national guidelines* or a *code of conduct* for how to behave with respect to blasphemy and

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similar religious issues. Such guidelines would state a categorical disapproval of the willful destruction of religious books or artifacts, but they would also give advice for those who are present at such acts, or who are otherwise affected by them.

The difference between laws and guidelines is that laws are obligatory whereas guidelines are optional; they allow each citizen the final say about whether to abide by the guideline, or not. There are already several examples of guidelines for the general public that most people accept and live by. One recent case occurred during the COVID pandemic where the Swedish government used guidelines, rather than legislation for implementing the necessary safety measures, with very good results.

Government by guidelines has several advantages over government by legislation, as several examples have shown, but there are only some kinds of situations where the use of guidelines will be appropriate and effective. Moreover, a society must meet two conditions before government by guidelines can be effective: there must be a public trust in the authority that issues the guidelines, and there must be a culture of solidarity so that people will abide by the guidelines even if doing so is not in their own immediate interest.

Open Debate about National Guidelines

The procedure for deciding on a national guideline may differ according to the characteristics of the issue at hand. In the case of the COVID pandemic, these guidelines were issued by the Public Health Agency of Sweden (*Folkhälsomyndigheten*) and advertised in the available media. However, in the case of blasphemy one may consider the use of an open debate on the national level, along the following lines. A first draft for a guideline document is written by a group of knowledgeable persons, or maybe two alternative drafts are written by separate groups. These draft(s) are published in appropriate media, and citizens are invited to participate in an on-line debate about them, using a government-provided debate forum that can provide safeguards against misuse of the service. In particular, anonymous contributions should not be accepted, and all contributions should be submitted using an electronic ID (Bank-ID, in Sweden). The software should also make it possible to organize the debate in small groups or large groups, according to the preferences of the participants, and to cross-fertilize opinions and arguments between such groups.

The debate may result in a large variety of opinions and arguments, and it would not be desirable to boil it down to a simply yes/no vote on one proposed document, or to a multichoice vote between a few entire documents. Since guidelines are optional anyway, it makes more sense that the body in charge of organizing the debate should also be asked to enact a conclusive guideline document that

is based on the entire debate, and that also explains the reasons and rationale for what it has selected from that debate.

In a case like the recent Quran burnings, the use of national guidelines would have an additional advantage over legislation: they can be put in place much more rapidly, exactly because they leave the final decision to the individual citizen. This is important whenever there has been an external event that requires a rapid response. Creating a law that criminalizes blasphemy would take several years, whereas the procedure that was described above could probably be concluded in a matter of months.

Guidelines, Attitudes, and Values

There is an interesting relation between 'guidelines' and 'values' whereby there may be a soft borderline between these two concepts. In our writings about the paraliberal view, we distinguish between two kinds of values, namely *static values* and *attitudes*. Static values are abstract principles, such as 'the sanctity of life', whereas attitudes, in this context, are in line with a definition by Carl Jung:

a readiness of the psyche to act or react in a certain way.

and with the following dictionary definition:

In psychology, an attitude refers to a set of emotions, beliefs, and behaviors toward a particular object, person, thing, or event. [2]

Attitudes in this sense can therefore be thought of as patterns of behavior (in Swedish: 'förhållningssätt') together with their underlying beliefs. In any case, such attitudes are similar to guidelines in the sense that the persons themselves decide whether to actually 'act or react in the given way'. The difference is only that values and attitudes evolve as a part of a person's autonomous development, whereas guidelines are issued by some advisor or authority. But still, each person has a choice whether to incorporate proposed guidelines into their behavioral stance, and whether to apply them in particular situations.

Authority is often exercised by issuing guidelines. This holds not only for governments or branches of governments, but also for corporations that issue a 'code of conduct' for their employees. The same holds for religious authorities whose principal goal is to change people's values, and who may use guidelines with an expectation that their followers will not only abide by the guidelines as stated, but also embrace them as their own values as time goes by. This shows how there is a fuzzy borderline between guidelines and values.

Guidelines in Direct Democracy

Direct democracy, or participatory democracy, is usually defined as a form of government where citizens participate individually and directly in political decisions, usually by voting in frequent referendums. Government by jointly developed guidelines is arguably also a form of direct democracy, although it uses a different procedure for decisions.

References

[1] On the Legal Protection of Religious Scriptures,
liberalkommentar.se/artiklar/248/protection-holy-scriptures.pdf

[2] <https://www.verywellmind.com/attitudes-how-they-form-change-shape-behavior-2795897>