

Against Illiberalism

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1. Introduction

A requisite for liberal institutions is allowing a plurality of ideologies and beliefs, even those possibly illiberal. Because if a government consciously takes action to exclude voices or individuals from the political sphere, their institutions have then acted illiberally. Assuming that illiberal factions exist within liberal societies, and that liberal institutions are worth protecting, the primary concern should then be how best to protect such institutions. I propose that in defending liberal institutions, one ought not resort to illiberal practices. In this context I define liberalism and illiberalism and further explain my argument. I consider possible criticisms to my position and then examine the current political climate of the United States to understand potential practical consequences.

2. Definitions

Before going any further it would be useful to have common definitions regarding liberalism and illiberalism. My interpretation of liberalism is based on principles of individuality and equality; the idea that each citizen should have equal opportunity and autonomy to pursue their conception of a good life.

Or as Immanuel Kant put:

“No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves when their Liberty is capable of consisting with the Right of Liberty in all others according to possible universal laws.” (Kant, Hastie)

In this context, liberal governments should remain neutral on issues concerning personal morality so long as one person's pursuit of their good life does not impact another person's pursuit of their good life. While liberals are -and must be- ethically neutral on a practical level (perhaps related to specific policy decisions) they cannot be neutral on abstract levels concerning the role of governing institutions or the virtues of liberty, individuality and equality. Furthermore, protecting the freedom of

the individual is the primary responsibility of liberal institutions, so restrictions on liberty must be justified. According to John Locke, “the end of law is not to abolish or restrain, but to preserve and enlarge freedom” (Locke).

Illiberalism is an ideology opposed to liberal principles which endorses restricting freedom of expression or behavior. Illiberal practices then have a negative relationship with the rights to freedom of speech, property, conscience, etc. Illiberal practices are those that “violate people’s basic rights which... provide people with meaningful opportunities for living minimally decent and self-directed lives.” (De Vries). Examples of illiberal institutions include theocracies, autocracies or dictatorships. Ideological illiberalism could be understood as an umbrella term encompassing overarching aspects of dogmatism, unilateralism or authoritarianism. If my definition of illiberalism appears imprecise, this is not solely my shortcoming, but also a reflection of illiberalism's own inherent ambiguity.

3. Explanation

Illiberal ideologies existing within liberal societies is an assumption based on a simple heuristic; Considering everyone with whom you’ve discussed politics, it assumes that at least one such person was more convinced of the accuracy of their political beliefs, than of the liberal political institutions which could produce them. Ignoring just institutions while pursuing an individual conception of what’s good is a key illiberal tendency, because it values one’s own conception of the good more than shared principles of what’s just. Additionally, conceptions of liberalism often implicitly presume that everyone wants to live in a liberal society, but this view is mistaken. Many in liberal societies hold political beliefs which -if properly executed- would be incongruent with liberal institutions. A key weakness of liberalism lies in the fact that its ideology lacks built-in safeguards against its combatants, and relies solely on its institutions which are especially susceptible to nefarious forces. So far as it’s safe to say that in a liberal society with a plurality of beliefs, illiberal ideologies -whether moral, political, religious or otherwise- will exist, the chief focus should be on how best to deal with them.

The claim that in defending liberal institutions, one ought not resort to illiberal practices rests on the belief that liberal institutions gain their moral legitimacy¹ through their intrinsic value. Ronald Dworkin says something has intrinsic value “if its value is independent of what people happen to enjoy or want or need or what is good for them” (Dworkin, Lazarev). Considered in this context, liberal institutions guaranteeing freedom of expression or choice are valuable not only for the results they may produce –contrasting the instrumentalist perspective- but because they are rooted in the conviction that humans are better off when they are not coerced by other means. Irrespective of political stances on matters such as security or wealth distribution, liberal institutions hold moral legitimacy because they are founded on the fundamental, inalienable human rights of its citizens. As Isaiah Berlin put, that “political liberty ... is simply the area within which a man can act unobstructed by others” (Stanford Encyclopedia). This is not to say that liberal institutions cannot have instrumental powers, as they often do, only that their intrinsic value – and moral legitimacy- is rooted in the conviction that its citizens ought to have freedom to act according to their true will.

A helpful example is the free speech debate regarding the extent liberal governments should be allowed to obstruct free speech, if it's in the interest of protecting their institutions. If there is consensus that free speech is an intrinsically valuable right, then freedom of speech should be restricted only when it's absolutely necessary. The debate should only consider the justification of possible consequences if some speech is allowed or forbidden. But it's obvious that if those with institutional power begin restricting free speech without reasonable justification, the institutions' intrinsic value would be lost. How could an institution built on protecting specific –supposedly inalienable- rights begin to unjustly violate those same rights without losing their moral legitimacy?

¹ It is a conscious decision not to define moral legitimacy in this essay. In doing so, I assume that moral legitimacy exists and it's something which liberal institutions possess.

4. Criticisms

Even within a consensus which views liberal institutions favorably, there is significant discord about how to best secure their protection. In attempting to defend liberal institutions against illiberal factions, there exists the temptation amongst some to resort to illiberal policies, thus paradoxically rendering themselves illiberal. The defense for these policies is best expressed by Karl Popper, who, in coining the dilemma “The Paradox of Tolerance” claimed:

"Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them." (Popper)

This sentiment is commonly understood as the “necessary evil” justification, which argues that in some instances the consequences are so grave that one must act intolerantly to protect liberal institutions. So, if there are legitimate threats to a liberal institution, Popper’s rhetoric would declare that acting illiberally to protect the institution is justified, because otherwise the institution would collapse. The decision to be tolerant or intolerant then lies in the determination of whether such political disputes are practical or abstract. More bluntly, those wielding political power must be capable of differentiating which issues are existential threats for liberal institutions, and which are not.

The last point leads to a further criticism of my thesis, that the actual line between liberalism and illiberalism is often muddled, unclear and disputed. Moreover, the separation between the two categories is more of a spectrum than a binary, and governing institutions can be more liberal or less liberal but rarely only liberal or only illiberal.² To this point, there are many examples of states which have illiberal processes within liberal institutions³ or –albeit less commonly- liberal processes within illiberal institutions. As there can be significant ambiguity surrounding the integrity of liberal institutions,

² Of course, there are exceptions to this, such as present-day North Korea.

³ Zakaria, Fareed. “Turkey Points to a Global Trend: Free and Unfair Elections.”

it can be seen as unhelpful to prescribe remedies for situations which are not easily identifiable. Because if there is disagreement on whether factions have acted illiberally, there will also be disagreement on how best to respond to such factions. If there's consensus that a faction has acted illiberally, the opposition will feel more justified in acting illiberally in response. But if it's agreed that a faction has respected liberal institutions, there is no legitimate justification to respond using illiberal measures. But neither my thesis nor explanation account for the reality that there is often discord between these stances, and commonly these contrasting views are simultaneously held by disparate groups. Due to the hazy liberal-illiberal dynamic, there is no singular course of action which can universally apply to protecting liberal institutions. Perhaps the most cutting criticism is that my argument is negative, meaning that while propositioning those attempting to protect liberal institutions, I only explain what they *should not* do, and offer little guidance about how they *should* protect liberal institutions.

5. Case Study: United States

The United States' current political climate provides a useful case study to briefly respond to the above criticisms and understand possible consequences if, those attempting to protect liberal institutions have begun acting illiberally. Trump's election in 2016 ushered in a new era of American politics, pitting those who love America versus those who hate it. Yet there is difficulty in distinguishing which camp each party or ideology falls under. Trump loyalists assert their love for America while claiming Democrats (or the "woke left") are destroying it. Democrats declare that they're the last defense against Trump and his followers who are attempting to erode America's liberal institutions. Deciding which narrative to believe is not so simple as it's possible –to varying degrees- that both premises can be true. Trump and Trumpism can sincerely assert love for America while threatening America's liberal institutions. Democrats or liberals can sincerely seek to defend America's liberal institutions and in doing so destroy them.

The ideological thread tying Trumpism together is that America is failing because its political class does not care for its citizens. Trump's anti-institutional attitude combined with the narrative that he is confronting elitist politicians is a key factor driving his popularity. Somewhat ironically, Trump's pro-American posture is his justification for fighting the liberal institutions which America was founded upon. His illiberal behavior began with incendiary bashing of political opponents, continued with subtle suggestions about serving infinitely, and climaxed with the protest of election results which till date he has not accepted. Trump's rhetoric and actions is seen as paradigms for illiberal behavior, and unsurprisingly Democrats are worried of the institutional damage he can cause as president.

The anti-Trump coalition -mostly Democrats with some Republicans- consistently refer to the decision between Trump and Biden as one of existential importance. Biden has claimed that "Trump and MAGA Republicans represent an extremism that threatens the very foundations of our republic" (Reuters). Such sentiment is widespread in anti-Trump circles and is a legitimate concern for America's liberal factions. Even moderate senator Joe Manchin has warned that a second Trump term "would destroy democracy in America" (The Reportify). The logical conclusion to those with these concerns is weighing which measures can appropriately be taken to bring about the end of Trump's political career. Now consider that Trump was impeached twice, investigated for collusion with foreign adversaries, banned from mainstream social media platforms and currently faces four criminal cases- three regarding misconduct while he was in office. Public opinion is split on the validity of issues and most Trump supporters believe Trump is a victim of political persecution.⁴ Without further upsetting partisans from both sides of America's political spectrum, it appears that two disparate realities exist; that institutions which pursue Trump's misconduct are acting impartially, or that such institutions have been weaponized.

⁴ Klepper, David, and Ali Swenson. "Trump Supporters View the Latest Indictment as Evidence of a Crime - against Trump."

Practical questions consider whether Democrats have acted illiberally, and theoretical questions consider whether they would be justified in doing so. In avoiding claims about which reality is more actual, my concentration on the theoretical is justified by attempting to understand possible consequences *if* liberals have begun acting illiberally. In this light it's now reasonable to return to Popper's argument that while protecting tolerant societies, one must at times be intolerant. This argument seems to apply in matters of Trump, at least from the liberal perspective. Because liberals view Trump as an existential threat to their institutions, using Popper's rationale they are justified in bringing about his demise through any possible means. Paradoxically, liberals acting illiberally is warranted because Trump's electoral success would be catastrophic to the institutions which liberals cherish. But this rationale is only plausible if Trump truly is a legitimate threat to American institutions. For if Trump is not an existential threat to such institutions and contention is only over policy matters, then acting illiberally is unjustifiable. My second criticism is significant here because of the ambiguity around whether Trump is or is not an existential threat to America's liberal institutions. If half of the country does not view Trump as an existential threat to American democracy, is the half which does justified in acting illiberally?

I argue no, that with consideration of Trump's illiberal capabilities, the anti-Trump faction should not rely on illiberal practices to undermine the political aspirations of Trump or his ideologues. My reasoning returns to the intrinsic value of liberal institutions: even if Trump is a legitimate threat to America's liberal institutions, acting illiberally to ensure Trump or Trump-esq candidates are not elected in the future would poison the institutions which liberals claim to cherish. Perhaps America's institutions could still have instrumental powers, but they would lose the moral legitimacy built upon their intrinsic value. The messy truth is that there is no red line in the sand declaring the moment when a liberal institution becomes illiberal. Liberals cannot definitively guarantee that Trump and Trumpism would destroy America's institutions; this is only a political claim. Because of inevitable controversy in declaring

what constitutes actual illiberalism, one must act in good faith to protect liberal institutions, even if this means extending courtesy to those who may not do the same in return.

6. Conclusion

Consequentialists will not appreciate my approach. Nor will those under the jurisdiction of illiberal states who cannot effectively eliminate their illiberal influences. Perhaps my rationale is too deontological, esoteric or detached from practical considerations. Worst of all, I offer little guidance on how liberal institutions can or should effectively fight against illiberalism. If somehow Putin emigrated to America and was polling exceptionally well, I admit I would be inclined to revert to Popper's argument that intolerance is at times necessary. But notwithstanding practical considerations, my imperative is to put forward that liberal institutions are intrinsically valuable and in protecting them we cannot rely on behavior that undermines the spirit of the same institutions. I hope that this is not such a controversial claim. We cannot engage in the same dogmatic behavior as those whom we criticize and still maintain moral legitimacy.

7. Works Cited

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