

There is no paradox of freedom

Graham Little¹ PhD

Abstract

There are only two ways to achieve the discipline required for a stable and efficient society, discipline imposed on citizens from without, a society of group compliance, or the willing self-discipline of citizens, referred to as a society of individual freedom. This essay is about the relationship between freedom of individual action and enforced compliance to group demands. It is a crucial issue in any society dedicated to social development via development of self-discipline in citizens as the means of achieving the discipline needed for a stable society².

The paradox of freedom is used to give permission to people to be intolerant toward fellow citizens who they judge offer intolerant thinking.

This paper shows the idea of the paradox of freedom is incorrect. That the overriding ethic required in a plural society dedicated to individual freedom is the rule of law which directs every citizen to give due respect to every other citizen and extend to them the right to be different. When the rule of law applied, then there is no such thing as 'paradox of freedom'. With every citizen expected to act with respect toward every other, and if any offensive ever taken, it is settled by Judicial processes.

The social management of inappropriate events must be via initial Police decision, and then must be followed by court decision on whether the actions in themselves deemed offensive. It is the court and only the courts who determine on what is and what is not offensive.

The fact some person is offended by some event is not grounds for making such actions illegal. It is beholden on the person taking offense to moderate their emotional reactions and conduct themselves within the bounds of the rule of law and the right of people to be different and to express views contrary to those others may hold. It is the duty of care of Police and Justice system to act if any event to be judged offensive.

¹ Graham Little is an intellectual with interests in theoretical social science. He has researched the methodology to build a general theory of psychology, has applied the intellectual position to build the first fully scientific general theory of psychology, and offers the solutions in the book *The Origin of Consciousness*. He has extended the general theory of psychology to develop a new system of organizational design and operation, and to developing the scientific means of building a fairer and more just society. He has 40 years of practical psychological experience, first as the CEO and founder of the personal development and counselling company ITASS (Institute of Theoretical and Applied Social Science). Today, ITASS is his personal holding company. Then as the CEO and founder of the corporate training company, The New Zealand Business School, where he refined his insights, and developed global level expertise in behaviour change within authority systems. His current business is bringing his understanding of organizational design and human capital development (HCD) to global organizations via the OPD-HCD™ system he has developed from his experience and theoretical understanding. His cv, books and papers are available free in PDF, from the Social Science Research Network, www.ssrn.com/author=2572745. Mobile 006421909310. Email, graham.little@opdcoach.com. The Institute of Theoretical and Applied Social Sciences (ITASS). LinkedIn profile www.linkedin.com/in/grahamlittle Original notes www.grphilosophy.co.nz. Social Science Research Network author page <http://ssrn.com/author=2572745>. Business web site www.opdcoach.com.

² For a full discussion on the ideation required in citizens seeking to live in a society dedicated to individual freedom, refer Little, Graham Richard, *Spiritual Humanism: The Choice of Ideology for a Society Committed to Harmony in Freedom*. An Open Letter to the Catholic Diocese of Auckland and Through the Diocese an Open Letter to the Pope (June 30, 2017). Available at SSRN: <https://ssrn.com/abstract=2995716>

There is no paradox of freedom

The paradox of freedom was first offered by Karl Popper in his book *The Open Society and its Enemies*³. He argued that freedom demands a tolerant society, but that an excess of tolerance allows intolerant extreme conduct that can destroy tolerance. His point was that to protect tolerance thus protect freedom, one had to be intolerant of intolerance. Hence the paradox. Popper was wrong.

The fallacy is grounded on the failure by Popper to fully understand the essential structure of a free society⁴, and the essential foundation on which it must be based. Popper's lack of understanding is understandable, in his day, there was no scientific general theory of psychology. The only one that exists today is in my work, which can be found at my Social Science Research Network author page⁵.

Humanity acts based on the ideas it applies to any situation, with the intensity of action derived from the emotions associated with the ideas. It follows that society is then an aggregation of this psychological foundation⁶.

Imagine a group drafted rules by which the members of the group would conduct themselves. The 'rules' do not have to be written, but they can be in the norms and ethics of conduct accepted by the group and referred to as such only in verbal exchange. There are sensibly transparent and agreed processes for modifying the 'rules'. We can call the rules, ethics, and social processes the 'social structure' of the group or apply a more common legal term 'constitution'. Thus, the constitution can be amended and developed as society evolves⁷.

Now, what exactly is the 'constitution'? It is the explicit and implicit expectations of how members of the group will treat each other. All conduct that falls within the constitution is legal⁸. All conduct.

Assume we seek social stability. A friendly, relaxed society, open and welcoming. Assume also a society dedicated to individual freedom, with people able to live as they choose, within the constitution. That is, not everyone is the same, not everyone accepts the same ideas. Such a society is possible if and only if citizens

³ Karl Popper was arguably the greatest philosopher of the twentieth century. I judge his two major contributions were his analysis of a free society (refer to his two-volume book *The Open Society and its Enemies*), and his epistemology, where he established that knowledge once created was independent of any knower (refer *The Logic of Scientific Discovery* and *Objective Knowledge*) and his ideas on falsification. I corresponded with Popper 1982/83, shortly before his wife died. Popper's work is extensive, to explore, place his name in Google and follow the links.

⁴ This paper is in contribution of some 3000 years of evolution of western thinking in the sociological structures and processes whereby every person can choose and live their own life. Thus, the paper is about the implicit tension between personal choice and group expectation. Ibid, 'Spiritual humanism' for a summary of western history of the struggle over this implicit social tension.

⁵ SSRN author page, www.ssrn.com/author=252745. Also, the TradePub page, which perhaps offers easier access to the books and papers on the fundamental science on which this essay is based <https://www.tradepub.com/?pt=adv&page=Graham%20Little>

⁶ Little, Graham Richard, *The Origin of Consciousness* (July 26, 2016). *The Origin of Consciousness*, Institute of Theoretical and Applied Social Science, New Zealand, Sixth edition, March 2016. Available at SSRN: <http://ssrn.com/abstract=2814742>. For an overview of the science of people on which this essay based, refer: Little, Graham, *Mind Over Matter: Presentation to the New Zealand Ministerial Enquiry into Mental Health* (April 7, 2018). Available at SSRN: <https://ssrn.com/abstract=3158497>

⁷ For a full discussion of the sociological analysis arising from scientific general theory of psychology in 'Origin', refer Little, Graham Richard, *Why Work* (July 19, 2016). Available at SSRN: <http://ssrn.com/abstract=2811954>. Also, supporting papers:

- Little, Graham Richard, *Through the Glass Darkly* (July 19, 2016). Available at SSRN: <http://ssrn.com/abstract=2811861>;
- Little, Graham Richard, *Redefining Science as the Social Extension of Human Nature: A New Intellectual Position Derived from the Proposition that We Can Only Interact with Perceptual Fields* (November 27, 2016). Available at SSRN: <https://ssrn.com/abstract=2876338>
- Little, Graham Richard, *Learning to Live with 'I Want What is Best for Me'* (August 23, 2016). Available at SSRN: <http://ssrn.com/abstract=2828356>
- Little, Graham Richard, *The Psychology of Freedom* (September 1, 2016). Available at SSRN: <http://ssrn.com/abstract=2833671>
- Little, Graham Richard, *'Half-Filled Glass' View of Culture* (January 10, 2017). Available at SSRN: <https://ssrn.com/abstract=2897154>

⁸ People act according to the ideas in mind. Therefore the 'constitution' forms the backdrop to mind. The shared framework of ideation citizens accepts as guiding social conduct. Some of the ideas are codified, but much is not rather embedded in the norms and 'expectations' of the group. In a society dedicated to individual freedom there is also the right to challenge the constitution, with transparent social processes whereby that can occur. The crucial issue the focus of this essay is the limits of one citizen to object or express offence at the actions of another citizen. And what are suitable transparent and objective social processes here that can be managed, and where the society progressively decide and learn what is and is not legally acceptable. If deemed legally acceptable by those of accepted authority then all citizens need 'grin and bear it', even when they do not like it.

accept the right to be different is the priority right of the society⁹. The term ‘culture describes the way people live, usually associated in groups with common life style and values. Hence ‘society’ is guided by two crucial sets of ideas: First the social structure or constitution, second by the style of the group, referred to as the culture. The social structure is thus implicitly multicultural. This structure is essential if the society is committed to developing individual self-discipline allowing diversity of living styles. It is the constitution that carries the fundamental values of the society, linked directly to the management of the required social discipline, in free society, development of self-discipline enabling individual choice¹⁰.

Let’s also imagine the group agreed dedicated people who adjudicated on what conduct was legal and what not. We can call these people the Police. Thus, if some activities were challenged by some members of the group, it is the Police to decide if the challenge legitimate, and to bring the offending group members to account. We can define the process of bringing to account the Judicial Process.

If any group member wishes to challenge the interpretation of any member on what is legal conduct, then the challenge must go to the Police, who then decide if the activity falls outside the constitution. If it does, then it is the Police, and ONLY the Police who have the right to stop the person and bring them to account via the judicial process¹¹.

Let’s also assume an absolute fundamental ethic in the group, that is if conduct is legal, then no group member has the right to hinder or restrict the person in their legal activities. This is called ‘*the right to be different*’. In modern society, I argue that this needs to be specified in the constitution, defining the question ... what exactly are the limits to social protest and social non-compliance? The 2017 death in the protests at Charlottesville may have been avoided if the question answered and accepted by citizens. It was the protesters who stepped outside the constitution, or at very least acted in contradiction of the respect required toward fellow citizens in a plural society. It is the protesters who need feel ashamed.

Imagine a citizen encounters events they find offensive. What is their responsibility? Under the ethical guidelines of how such a society can/must function to exhibit social stability, what do they need to do? If they are at risk of losing their poise they must leave the event. They do not have the right to hamper, or impinge on the circumstances, they do not have the right to stop it. What if the citizen feels strongly they are being disrespected and the events offensive to them? The expected course of action is to walk away, make their opposition known, and lodge a complaint to the Police. The fact that some person becomes upset is insufficient ground for the Police to act and stop the event. The Police can never claim the event is to be stopped because people are threatening violent action. It is the Police fundamental duty of care to secure citizens safe social conduct, to ensure people can act as they choose within the constitution. It is also the responsibility of citizens to support the Police and report citizens who resort to such threats.

If the Police do act to stop any event, then they must justify any such action before a judge in a court of law. The Police are subject to the rule of law as much if not more so than citizens. It is only by the compiling of such case law precedent that the society defines what is and what is not legal, and via practical case, defines the right of one citizen to have the action of another curtailed due the fact they find the action offensive. I repeat, if the Police take any action over events some find offensive, automatically, within 2-3 days, they must justify such action to a judge. The ‘offender’ has the legal right of response before the judge and has right of legal representation since it was against them the Police acted. The complainant has no such right in court, other than be recorded as the initiating source of the Police action. What is being judged is the Police decision to accept the complaint and stop the event. All Police costs are met by Police, including costs of the offender if the decision of

⁹ Ibid. ‘Spiritual humanism’, for a full discussion on the ideological priorities for such a society to be stable.

¹⁰ For a full discussion on the role of intellectual institutions in supporting a free society, refer Little, Graham, Role of Intellectual Institutions Guiding Citizens on Ideas as Fit for Purpose (July 6, 2018). Available at SSRN: <https://ssrn.com/abstract=3209575>. Awaiting final acceptance by SSRN.

¹¹ Refer the 1996 movie ‘The People versus Larry Flynt’ and the USA Supreme Court case that initiated the legal definition of ‘free speech’. This paper asserts that to manage societies of individual freedom we need ensure such legal processes are fully understood and accepted by all citizens. That vigilante lynch mobs are unacceptable social conduct and will not be tolerated.

the court is the Police overstepped their authority and the event should not have been stopped. If the Police action upheld¹², then offender faces all legal costs¹³.

The legal issue is not that people are offended and threaten to act but is the event in itself deemed offensive within the context of a plural society dedicated to celebrating and encouraging differences. It is the Police who must justify themselves. If the offender disagrees with the court decision, then it can be appealed, to a higher court if appropriate.

If the Police decide no action necessary, then they tell the complainant that they need review their ethics and moderate their emotional responses and accept the right of people to be different from the way they may think. Such is the essential and fundamental ethic of a plural society dedicated to individual freedom.

Currently in NZ society¹⁴, for example, there is no established process for determining what is and is not legal when a person offended by the event. The decision is left to social debate typically in the media, and usually lacks balance and lacks authority, with each point of view holding forth the right to interfere with the other point of view. The emergence of conflict over for example, 'hate speech', as a source of social tension was inevitable in a society enabling alternative points of view, and results from the evolution of diversity ahead of the ethics and social maturity to manage the diversity¹⁵. It is essential formal, transparent social processes be established to manage issues of 'taking offence', and the Police established as the only group able to make the decision that some event is offensive, further that the Police decision is then balanced by the court review and decision, which then become case law precedent guiding future social conduct. If it is not dealt with by formal social process, which refines the constitution of the society, then the society will degenerate into conflict dominated by vigilante lynch mobs asserting their view of what is and is not offensive. Conflict will escalate, the society fragment, and people will be injured and/or killed¹⁶.

There is no paradox of freedom here, no issues of tolerance and intolerance between citizens. The process is called the *rule of law*. If it is legal within the constitution, which would include all the case law precedent, then no member of the group may stop it. If it is illegal within the constitution, then it is the role of the Police to decide if the person is to be brought to account. The scientific general theory of psychology directs that it is ONLY via the rule of law that freedom in diversity can be a stable society.

What modern western society must learn is that because one does not like what another person is doing does not give the right under any circumstance to hinder, restrict or otherwise try and stop them doing it.

To succeed, a society dedicated to individual freedom MUST be based on full acceptance of the rule of law. I refer to it as a constitutional based society dedicated to social development via the development of the self-disciplined conduct of citizens abiding by the constitution. It does not have to be a democracy¹⁷.

¹² If a complainant disagreed with Police decision not to act, they may challenge in court. If Police decision upheld, the complainant must pay all legal costs.

¹³ It would be very simple to devise a punishment regime for multi-offending, with perhaps a warning for repeat of the same offence (no court decision needed). Then escalating fines for repeat offences, backed by the power of the state to enforce payment including asset confiscation.

¹⁴ From the example of Charlottesville, and from various news broadcasts, I suggest the problem is throughout the free world. It is predictable that the problem would emerge as significant across the free world at the same time since the social evolution of all western 'free world' nations is on parallel time lines.

¹⁵ Ibid, 'Spiritualism humanism', for a full discussion of the ideation and ethical ideology necessary for a stable plural society.

¹⁶ As is frequently the case, USA is the most socially advanced society, the leading example of social freedom and the first typically to exhibit the problems as a society derived from the inherent tension between the path of individual freedom, and the path of enforced group compliance. There has already been one death in Charlottesville under the exact circumstances as referred.

¹⁷ This is a crucial point. This paper and the fundamental science which supports it shifts the core nature of western philosophy from 'democracy' to social development via development of citizen self-disciplined conduct within the constitution. Democracy emerged as a peaceful way and a socially broad way which included all citizens of replacing bad governments when needed. There are however, other ways of doing this that are not 'democracy' as currently conceived. Any peaceful social process for replacing bad government when required must however meet several criteria of performance, for example: (1) It must be judged 'fair', by citizens. (2) It must enable any citizen to put themselves in contention as a 'politician'. (3) It must convey to the final decision makers the wishes and aspirations of citizens. (4) It must be dedicated to social development via development of self-discipline of citizens. (5) It must be committed to the rule of law. (6) It must operate social processes in a reliable and transparent manner, especially where those processes involve decisions on a citizen's legal status. (7) It must have scope for citizens to discuss and challenge political and legal decisions without fear of state retaliation.

© 2018 Graham Little
There is no paradox of freedom
JEL codes: A10, A12, Z13.

It is a plural society. With the fundamental ethical self-disciplined base of respect for social differences, the fundamental respect for the right of people to be different. A society where at every possible opportunity responsibility for the self is delegated to the person, and where 'offence' is progressively defined in case law, and where state asserted rules and controls are progressively reduced and people increasingly responsible for their life choices. Then and only then will humanity enable its true potential.