Applying a Foundherentist Framework to the Modern Liberal Democratic State

Ian Holmes

Adviser: Dr. Pierre Le Morvan

The College of New Jersey (TCNJ)

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1. Introduction

Humanity continues to create new things, as anarchy has been replaced with social constructs to help foster cooperation and organization. Social constructs are produced by people collectively accepting an idea. Social constructs commonly help societies better organize and understand the world around it. One of the strongest is that of humanity's collective invention and evolution of the state. As the state continues to evolve and remain modern, has the capacity to affect all other social constructs, such as markets, corporations, and ideologies. Furthermore, as the state is a social construct that has taken on a physical element it, has the ability to affect reality including the Earth itself.

I wish to explore a particular kind of state. The modern liberal democratic state is one whose construction is hailed as the most preferable kind of state available to humans because it grants the most amount of privileges to those who live within it. I specify that it is a modern state because I wish to imply that we must consider the modern state's complexity including the advent of new governing structures and the rise of bureaucracy, as a powerful arm of the state. The modernization of the state with the advent of bureaucracy and civil administration coincides well with the rise of democracy, as most of the world's democratic states are relatively young and new to the world. By modern state, I also refer to the concept of the sovereign Westphalian state, where the state has the power to exclusively manage its own domestic affairs and structures within its territory on the grounds of non-intervention and autonomy (Axtmann 2007, 135). Indeed, the sovereign Westphalian state lends modern states a physical aspect by binding it to specific land on Earth.

Democracy on the other hand, implies a people focused approach to what the state is, how it operates, and what it provides. Note that democracy must be an attribute, because it usually exists through democratic republicanism instead of pure or popular democracy. Democracy, or rule by the people, does appear to provide two things for the people living in the state: liberties and participation in the state's political system. The logic being that in a democratic state where the people have the capacity to affect the political system via direct influence upon the government, the state is required to not only protect certain individual liberties but also collective ones that the people will seek to safeguard against the state itself. A liberal state then provides certain guarantees for its citizens, rights within it.

How do we understand and explain the liberal democratic state of today? How is the modern liberal democratic state justified? Does it have foundations that we can rely on, either in the form of understandable social constructs or physical elements? These are the questions that should be answered through political epistemology, and on the side of political science, political theory. These answers have been sought before in political epistemology, usually through traditional foundationalism that supported the concepts of liberalism, social contract theory, and sovereignty. Pure foundationalism is best described as having beliefs that are absolute in their security, and all other beliefs that are not absolute are justified by direct or indirect support from absolute beliefs (Haack 1982-1983, 144). Anti-foundationalists, comprised of pragmatists and coherentists, questioned the rigidity of pure foundationalism in supporting the state. It is significant that

beliefs are used when referring to noetic structures that show the ways humans are thought to think and accept beliefs and knowledge. These noetic structures are pure foundationalism, modest foundationalism, coherentism, and now foundherentism.

In contemporary times, the state has also become a powerful, large, and now extremely complex social construct, a result of humanity collectively accepting a set of beliefs about the way things are. Therefore, a new framework is needed, one that better explains the justification, evolution, our understanding, and behavior of the state. I shall defend a foundherentist account that better aids humanity in justifying and understanding the liberal democratic state, and how we conceive of and operate within it.

In this paper, I shall first explain foundherentism in the epistemological sense as developed by Susan Haack as an alternative to modest foundationalism. Then I will provide a brief introduction to the prevailing camps of political epistemology, foundationalism and the anti-foundationalists comprised of pragmatists and coherentists. Afterwards, foundherentism will enter into political epistemology by way of resolving the objections made by anti-foundationalists against foundationalism being a viable framework for political theories, and potential criticism from political foundationalists, via an explanation of four principles of foundherentism synthesized from Haack's key components. Towards the latter half of the paper, the bridge shall be formed between political philosophy and political theory, as conceptualizations of the four major social constructs that comprise the liberal democratic state will be synthesized between the two fields of

scholarship in order to understand the development of each of the four major social constructs. Finally, I will chart an example model showing the application of the foundherentist framework to the constitutional system. To conclude the paper, I will stress the capacities of the foundherentist framework of the constitution system, such as overall legitimization or justification, unity, flexibility, and safeguards. Foundherentism holds the potential to provide foundations, where political epistemology currently finds none. Political science may have a very real use for foundherentism in attempting to uncover anchors for knowledge in politics and political science including the many subfields it covers. If the liberal democratic state can be better justified and understood, then so too can other institutional social constructs that mankind creates surrounding the constitutional system.

2. Contextualizing Foundherentism in Epistemology

In the contemporary history of modern political theory and philosophy, foundationalism has traditionally been strongly discouraged if not outright denied as a framework for justification and knowledge within political science. Instead, an entire field of scholarship has developed around anti-foundationalist theories. Anti-foundationalism can be primarily divided into two theoretical schools, the more prominent and politically oriented is the pragmatist school, and the older coherence-based reasoning that was bridged from legal theory. At the core of anti-foundationalism is the denial of grounding inquiry in anything more stable than belief or unexamined practice (Brint, Weaver and Garmon 1995, 226). However, there is a new contender in epistemology, foundherentism, that may provide a new framework in political science through its flexibility and blended nature. In the following subsections Foundherentism will be developed by way of approaching problems in political epistemology, and epistemology at large.

2.1 Foundherentism Explained

Foundherentism is a relatively recent phenomenon in epistemology single-handedly developed by Susan Haack, an analytical British philosopher who teaches philosophy and law at the University of Miami. Haack started to develop foundherentism in the 1990s as a new middle ground solution between the spectrum of foundationalism on one end and coherentism on the other. She contends that foundherentism is a significantly moderated form of foundationalism that is adjusted to acknowledge key aspects of coherentism. Specifically, Haack holds that foundherentism falls between weak foundationalism

and weak coherentism and is neither foundationalist or coherentist (Haack 1982-1983, 149). Indeed, she goes through great lengths in epistemology to show that foundherentism is not simply another form of modest or weak foundationalism. Foundherentism allows the relevance and significance of experience that coherentism does not (Haack 1993, 113). Meanwhile, foundherentism is not one directional in its justification, marking it as distinct from other forms of foundationalism such as classical foundationalism or Audi's modest foundationalism, and it does not need privileged beliefs justified exclusively by experience for its foundation (Haack 1993, 113). These distinctions that make foundherentism unique are defined as; fallibilism, epistemic inegalitarianism, and Up-and-Back-ism.

2.2 Haack's Model of Foundherentism

The Key Components of Foundherentism:

***These components may later be referenced according to their number. For example, CFIX refers to component nine which is Up-and-Back-ism.

I. Knowledge is at the very least justified, true belief

II. Evidence for a justification comes in the form of; "belief states, perceptual states, introspective states, and memory traces" (Haack 1993, 116).

III. Justification is equivalent to reasoning

IV. It is important to discern the initiating causes of one's belief, and the viable causes at the time of initiation

    a. Justification depends on the viable causes available at the time of the initiation of the belief.

V. Fallibilism

    a. No belief is epistemically secure in its justification

VI. Privileged beliefs hold a very high degree of justified security.

VII. Foundherentism holds that basic or privileged beliefs are also fallible. Their justified security is relative because there is no absolute security. The potential insecurity of privileged beliefs is what provides them with enough content to justify other beliefs.

    a. "The more plausible the more secure the privileged beliefs are supposed to be, and the greater the burden of the support of unprivileged beliefs they are supposed to bear" (Haack 1982-1983, 155)

VIII.   Epistemic Inegalitarianism

     a. Some beliefs are more secure than others

IX.   Up-and-Back-ism

     a. The justification of beliefs is not one-directional, instead justification can essentially flow up and then back down creating reciprocal justification. Justification in foundherentism is omni-directional or rather simultaneously vertical and horizontal in providing justification to other linked beliefs. "More secure beliefs may depend on the justification of less secure beliefs and vice versa", however a belief does not need to be exclusively justified by its connections and dependency on other beliefs, instead it could very well draw from experience (Haack 1982-1983, 149).

3. Epistemology and Justification in Political Theory

Foundationalism originally led the way in political theory with scholars such as Thomas Hobbes, Jean-Jacques Rousseau, John Locke, and Baron de Montesquieu. Before it received its name in epistemology, foundationalism served as the framework for the early political theories developed around rights and the social contract. Ideologically speaking, social contract theory and classical liberalism both take the form of foundational frameworks. Social contract theory, also known as contractarianism, takes the social contract to be the basic belief upon which the sovereign entity's power rests, and classical liberalism took a rights-based approach where either natural rights, political rights, or a combination of the two serve as a justified foundation for government. Even democracy is found to have basic foundational principles according to Robert A. Dahl (Dahl, On Democracy 1998, 37-61, 83-99). However, these theories were later shown to be epistemically flawed in political philosophy. They were subjected to deductive chains of proofs where controversial conclusions would be traced back to their first premises. Essentially, they were subjected to truth-tracing and either circular or chain regress problems in the context of politics itself. Anti-foundationalists would target the basic beliefs and try to look past them for their initial justification. Anti-foundationalists may also argue that there are no such thing as true justifiable beliefs in political theory.

3.1 Understanding Foundationalism in Political Theory

Foundationalism in political epistemology as mentioned above was the first way of thinking of how the state was conceived and justified. It is the original epistemological backbone of prevailing social constructs in politics such as sovereignty, liberalism, social contract theory, and to a lesser extent republicanism and democracy. Foundationalism

also plays a smaller role in understanding law-making structures. Indeed, it does have a tendency to hold up rather well at first glance and helps that we can naturally understand things as mechanically building on top of one another the way foundationalism says ideas do. Foundationalism dictates that a body of knowledge comprised of ideas, known as a noetic structure, is foundational, where the superstructure is rooted in absolute ideas that support all other non-foundational ones (Audi 2011, 216). We can think of a foundational noetic structure as first having x amount of absolute beliefs that are unchanging and support the rest. Then non-foundational beliefs that are accepted in the body of knowledge are only those that are supported by the absolute foundational beliefs at the base. This is best described in the skyscraper analogy using architecture as the skyscraper architecturally has a foundation which supports a greater area above than itself. If the foundation were not absolute, then the skyscraper would fall apart when an idea that should've been rejected due to the foundational beliefs if instead was somehow accepted. In the skyscraper of foundationalism all non-foundational beliefs become justified by way of those absolute beliefs (Audi 2011, 216). The chain of justification then in foundationalism in both linear and one-directional strictly stemming from absolute beliefs. This also means that due to the nature of absolute beliefs, they receive no support or justification from the noetic structure that they create.

Foundationalist views in political epistemology commonly flow along lines of justification from independent sources in locating the state's legitimacy. The objective is to provide one source of ultimate legitimacy and justification for the legitimization of the state to rest upon. To Hobbes this would be the social contract which captures the interests of people vis-à-vis the relations people have with one another (Ripstein 1987,

118). For Locke, the justification and legitimacy of government would originate with a from god (Ripstein 1987, 119). Meanwhile, Rawls would most likely assert that a social contract stems from considered judgements around the principles of fairness and the idea of ourselves as rational political actors (Ripstein 1987, 119). This path of foundationalism could best be described as classical foundationalism overall, or more specifically with the examples above contractarian foundationalism. However, there is another type of foundationalism which will become relevant as my inspiration for the foundherentist framework later presented in this paper. I would refer to this type of foundationalism as law-making or constitutional foundationalism. Constitutional foundationalism is a model where certain rights and values in a constitutional system of government are fundamental to the point of being beyond the authority of a national legislature or amendment (Weill 2014, 132). Depending on what type of national constitutional system the constitutional foundationalist model is applied to can result in a scenario where those rights and values are deemed so fundamental and enshrined that even the people or the original constituents cannot change or discard them (Weill 2014, 132). This type of foundationalism stems from the study of constitutional systems and fiercely places a strong value on not only the constitution but also laws, rights, the national legislature, courts, and the people. Within the conception of constitutional foundationalism, we already begin to see evidence of a strong association between liberalism's rights and liberties and how constitutions, legislatures, and the people can either be aligned or at odds with one another.
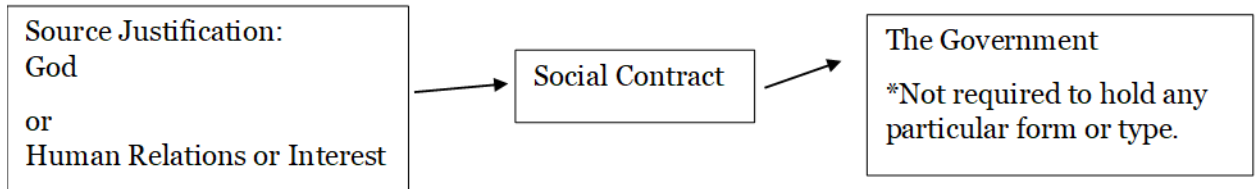
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Source Justification:          Social Contract          The Government
God                                                      *Not required to hold any
or                                                        particular form or type.
Human Relations or Interest
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Figure 1 Chain of Justification for classical or contractarian foundationalism

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                    National Legislature

              Constitution:
              Enshrined Rights
              National Legislature
              Structure of Government

Right #1: Freedom of Speech        Right#2: Freedom of Assembly

        Right#3: Political Participation and Representation
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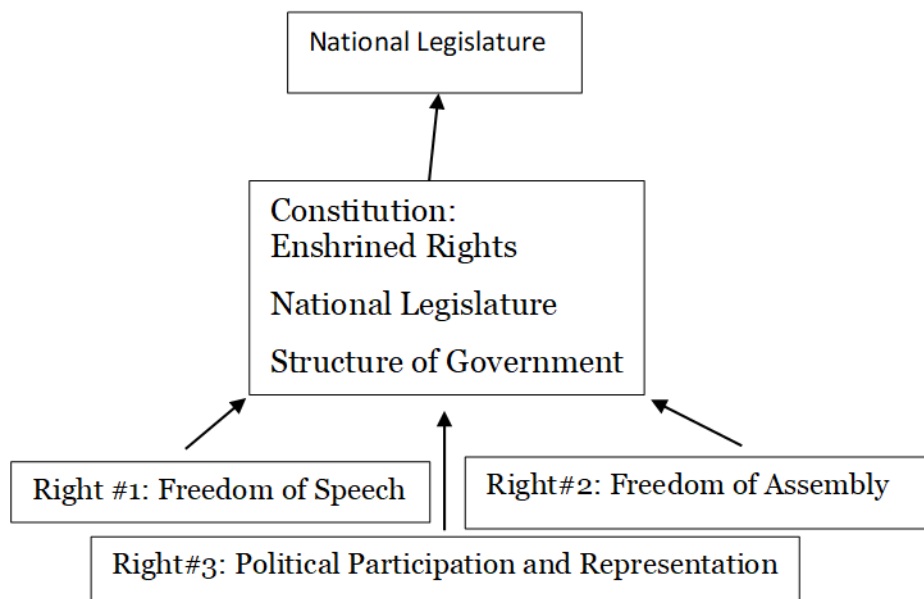
Figure 2 Example of the initial Chain of Justification for constitutional foundationalism, a rights-based model

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the People                     Constitution                Constitutional System
the assumed
originator of liberal          Enshrines rights and creates a    Inclusive of the constitution,
democracy                      fundamental vision of government  rights, governing institutions, and
                                                                 the electoral/voting system
Monopoly on violence
The assumed originator
of sovereign legitimacy
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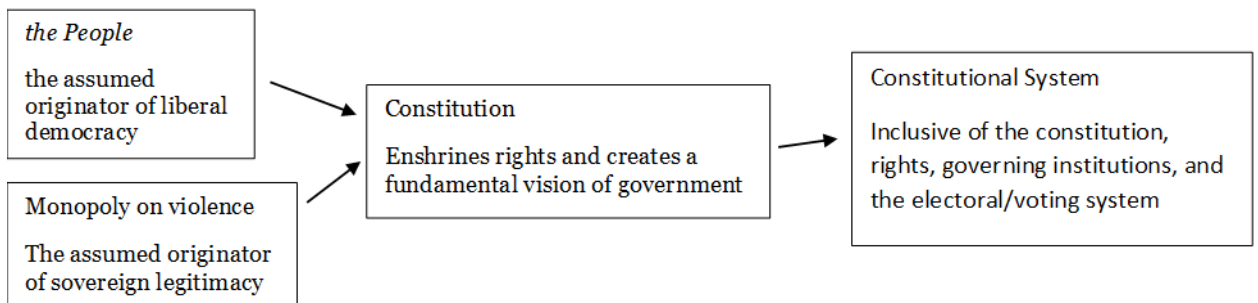
Figure 3 Example of the initiating Chain of Justification for constitutional foundationalism, a constitutional state model

3.2 The Anti-Foundationalist Account

Anti-foundationalists on the other hand originate from one of two camps in order to critique the foundationalists and lead them into a regress problem that they cannot escape from. First, there are the legal coherentists. Legal coherentistism does have its roots in political epistemology much like contractarian foundationalism, however coherentism would be described as the opposing type of noetic structure to foundationalism. The main idea behind coherentism is that the justification of a belief is purely dependent on its capacity to cohere with the overall noetic structure (Audi 2011, 217). The justification allowing for the belief to cohere to the noetic structure may flow from one belief within the noetic structure or stem from the entire belief system. Pure coherentism is then comprised of three principles; (1) all beliefs are fallible and therefore not absolute, (2) no belief can be more secure than any other belief within the noetic structure, and (3) any belief that is justified and accepted by the noetic structure is justified entirely by its capacity to adhere to a set of beliefs that have certain properties (Haack 1982-1983, 146). Legal coherentism most likely falls somewhere between pure coherentism and weak coherentism, where weak coherentism allows for a belief to be justified solely on the relations it has to other beliefs including if a stronger belief is justified by multiple beliefs with weaker justifications themselves. Coherentism's flow of justification is multidirectional but still linear in flowing from one belief to the next. The Hedgehog, or actor, of legal coherentism focuses on the overall thing as coherence-based reasoning requires unity encompassing the whole of legal reasoning (Lamond 2017, 507). Legal coherentism focuses on criteria or steps that a rational actor conducts; (1) positive and negative criteria to assess the relative coherence of an interpretation of the law, (2) one must infer the best explanation available according to the criteria set in (1), (3 & 4)

the explanation inferred in (2) must be made by a (3) epistemically accountable agent and (4) within the relevant legal context available (Lamond 2017, 508). For the hedgehog, legal coherentism ideally focuses on the stability, justification, and coherence overall of the body of knowledge within a legal setting as it wishes to maintain unity as a kind of encompassing coherence for the system.

The pragmatists hold the other camp within anti-foundationalism and lean closer toward skepticism. Pragmatists do not originate from the epistemology as legal coherentism or contractarian foundationalism does. The pragmatists hold that within politics, all truth and beliefs are relative and in most if not all cases they can be taken as to be entirely situational (Brint, Weaver and Garmon 1995, 225). The result is that pragmatists recognize that there is relatively little objectivity when it comes to politics, and it is primarily established through context and description via language which originates from a specific power granted to the society participating in such politics (Brint, Weaver and Garmon 1995, 228). Anti-foundationalists of the pragmatic sort argue that there can be no metaphysical or foundational beliefs established as the basis of political claims. However, while this may be all well and good for the pragmatists arguing against foundationalism in political thought especially when considering personal noetic structures in politics, I believe they may have a harder time critiquing foundationalism and foundherentism as models for understanding social constructs such as the state.

4. Four Principles Within Foundherentism

In the following section I wish to introduce four principles that can be synthesized from the components that comprise foundherentism as an epistemological framework developed by Haack. It is my hope that these principles will help clarify the position foundherentism is placed in, between types of foundationalism and coherentism within epistemology, and to help in developing a foundherentist framework later on. First, I shall introduce the two principles related to justification in a foundherentist noetic structure. The first is the principle of relative justification, which shall aid in understanding the variety of reasons available to justify a belief within the framework. Following relative justification, is the principal of plurality, which will hold that a belief may have multiple justifications to reinforce it that may be either other beliefs or experiences. Then there are two principles that address the nature of a noetic system and how it operates. For the sake of a powerful social construct such as the state, the latter half of the principles may help show evolutionary behavior and we conceive of a state acting rationally as a unit that is either singular or a whole comprised of many parts. The third principle to be defined is the principle of privileged beliefs. This principle will ultimately state what a privileged belief is and how secure it is within a foundherentist conception of a noetic structure. Finally, the principle of the best inferred true belief will be addressed. The principle of best inferred true belief will help determine how a belief will be accepted into a noetic structure. Furthermore, this principle does imply an aspect of truth when dealing with epistemology and beliefs. I suspect most of these principles will sound familiar to an epistemologist as they may be similar to traits found in types coherentism or foundationalism.

4.1 The Security of Beliefs

Justification is a bone of contention between various within epistemology. For the sake of foundherentism justification of a belief has two major traits. First established is a principle of relative justification, where different causes (CFIV) provide different levels of justification on a relative scale (CFVIII). It should be stressed that this principle does not dictate the justification and stability of the overall noetic structure, instead the principle of relative justification focuses solely on the security of a singular belief within the noetic structure. A singular belief according to this principle is more secure within a foundherentist framework depending on the strength of its causes when it is being accepted into the noetic structure. This means that some beliefs when encountering a foundherentist framework will have either more security or less considering its adherence to the framework. Some beliefs then will be recognized as more preferable than others when being considered for acceptance. Essentially, this principle implies that not all beliefs are equal in their justification. There can be stronger or weaker beliefs, interestingly due to the inclusion of CFIV, the strength of justification, or security, of the belief is contingent on initiating causes which occur when the noetic structure encounters that belief for the first time.

What is meant exactly by security of the belief? Well some beliefs according to CFVIII are more secure than others based on their justifications. Under foundherentism a belief can have multiple justifications or reasons to account for its strength. This leads to a principal of plurality, when multiple justifications based on those reasons available (CFIV) originate from experience (CFII) or other available beliefs (CFIX). The principle of plurality is useful for recognizing that a belief can have multiple sources for its

justification including other beliefs, experience, or both. This means that foundherentism does acknowledge that experiences from the physical world do play a very real role in the development of noetic structures. Alternatively, new beliefs can gain justification from preexisting beliefs in the noetic, however the strength of those beliefs signals how strong the new belief with be. Note how beliefs and experiences are made plural, for this principle holds that under foundherentism the source of justification for a belief is neither linear nor singular. A belief's security within the noetic structure, how well it adheres and influences the rest of the system as opposed to being at risk of being rejected, is contingent upon a plurality of reasons that provide a chain of reciprocal support. Under foundherentism there is no one-directional flow for justification, but rather there is reciprocity via CFIX, Up-and-Back-ism. Therefore, a new belief can in fact receive extremely strong security by way of being supported by a plethora of weak beliefs, or through a combination of physical evidence received via perception and other beliefs.

4.2 The Argument for Privileged Principles in Politics

I hold that there must exist privileged beliefs in our political noetic structure, and privileged principles in our political system. It seems absurd to discredit theories such as social contract theory, classical liberalism, and democratic theory which have significantly impacted how we socially construct the world around us and have influenced how we justify the modern state and political institutions. Foundherentism adjusts the framework so we can acknowledge these theories as being as powerful as they are to us. I propose a principle of privileged beliefs, which states that privileged beliefs have a high degree of security (CFVI), though they are not absolute (CFVII), that is based on both experience (CFII) and other beliefs that are linked to them (CFIX), which makes them the

most secure beliefs in the belief structure (CFVIII). This changes the definition of a privileged belief to be a foundherentist concept rather than one that pragmatists, coherentists, and foundationalists commonly understand as being absolute. Unlike, the absolute belief in foundationalism, the privileged beliefs in foundherentism can even receive support from each other, this could lead to the visual example of various secure nodes throughout or an internal core. Examples in reality could be drawn from nature with the commonly known spider web, or the clonal organisms of the banyan tree, Pando Quaking Aspens, and the honey fungus. A privileged belief of a political noetic structure or a privileged social construct in a political system does not have to be constrained to being solely supported from beneath via only one reason or experience. Instead, these anchoring beliefs are considered privileged because they have the strongest security throughout the entire structure to reinforce most other beliefs within the structure. Foundherentism shifts basic beliefs from a position of absolutism to a more flexible position of strong relative security.

4.3 Unity in Political Foundherentism

The largest complaint which originates from anti-foundationalists other than the one concerning absolute beliefs, is that political theory must be cohesive and unitary. Political theory and legal theory both hold a coherentist account for their structure under the belief that there are always multiple concepts in play that must cohere under one big thing, otherwise known as the Hedgehog (Lamond 2017, 507). They believe people or political institutions have a single normative theory which includes a set of coherent preferences that direct the reasoning toward new developments. It almost acts like a single tool toolkit for path dependency.

i. How much coherence is required for the most coherent interpretation to be justified?

ii. How many alternative interpretations need to be considered by the decision-maker?

iii. How broad the base of coherence needs to be? How much of the evidence needs to be considered?

(Lamond 2017, 508)

The coherentist hedgehogs of anti-foundationalism need not worry about foundherentism. It can answer the same questions asked of coherentism. Due to the multi-directional linkages of foundherentism, it allows best explanations based on inference (Haack 1993, 122). This could be taken as a <u>principle of the best inferred true belief</u> where the inferred belief is the belief with the best reasons for accepting it (CFIII), including its ability to cohere to the structure (CFVIII), and those other alternative beliefs which were not accepted had a lower degree of justification (CFIX). For foundherentism the stability and unity originate out from the privileged beliefs or tenets within the structure. This allows more flexibility than the coherentist unity of one encompassing theory. Foundherentism's relative scale of justification and its privileged beliefs may combat harmful beliefs that may cohere with the entire structure overall. A harmful belief's relative security will decrease because of its fallibility and its lesser degree of justification by challenging a privileged belief. Foundherentism should in most if not all circumstances reject a harmful better for a better alternative. Foundherentism can provide a defense within relativity and the security of privileged beliefs as structural standards to ward off the dark side of solidarity that can foster imperial, authoritarian,

totalitarian, or corrupt practices and beliefs that will disrupt and drastically change the structure (Haack 2004, 179).

4.4 The Principle of Privileged Beliefs Protest

Foundherentism will most likely draw the ire of both stripes of anti-foundationalists in political philosophy, the pragmatist and the coherentist. It may even draw out those few foundationalists that are in the minority of the field. I wish to break down the major objection which originates from the foundationalist perspective of political theory, as a potential critique of what I referred to as the principle of privileged beliefs, which changes the definition of foundational beliefs for foundherentism. As a reminder, the principle of privileged beliefs states that privileged beliefs have a high degree of security (CFVI), though they are not absolute (CFVII), that is based on both experience (CFII) and other beliefs that are linked to them (CFIX), which makes them the most secure beliefs in the belief structure (CFVIII). A foundationalist would most likely draw two objections from my principle, technically three if they accept the first one, I give. First, foundationalists can argue that this is not their own definition of a foundational belief, which is fair, as it is a foundherentist definition. The second objection, or the first that will be replied to, would be that these basic beliefs are admittedly fallible under foundherentism, which is admittedly the acknowledged point in foundherentism. The third objection from the foundationalist is to Up-and-Back-ism (CFIX) being used on foundational beliefs and more specifically in political philosophy on fundamental rights and beliefs.

4.5 Reply to the Foundationalist Objection

A foundationalist in political theory should stress that the point of the foundational beliefs is that some rights and values should be singled out as the most fundamental and absolute upon which to build and not deviate from (Weill 2014, 110). This may be even more crucial for the modern state where a foundationalist "model under which certain rights and values are so fundamental in a given constitutional system as to be beyond the authority of the legislature or even of the body amending the constitution" (Weill 2014, 132). The anti-foundationalist has already responded though to a lack of justification for foundational political rights and beliefs that construct social contract theory and classical liberalism. The anti-foundationalist only finds ambiguity and paradox when searching for justification for what we call natural rights (Ripstein 1987, 132). Therefore, it makes no sense to hold foundational beliefs as absolute if they have already been shown to be flawed. Furthermore, foundherentism's Up-and-Back-ism allows the evolving system to help justify its foundations, including allowing foundational rights and beliefs to reinforce each other.

5. Conceptualizing a Foundherentist Framework for the Liberal Democratic State

Now it is time to begin building the bridge between political science and philosophy within this paper for scholars of political philosophy and those of political theory have different conceptions and academic backgrounds when considering certain key concepts, social constructs, and justification. Specifically, I wish to use the foundherentist account developed for epistemology, to create a framework for better understanding the evolution and justification of the liberal democratic state. To do so

means that I will be required to tease out and conceptualize certain key traits of the liberal democratic state, such traits can very well be powerful ideologies or social constructs in their own right and be heavily debated in what they exactly mean or stand for. This is necessary in order to not only create a foundherentist framework but also to be able to apply it as a model to those entities in the world that we commonly take to be modern liberal democratic states.

What then comprises the core that lies within liberal democratic states? This question could be better understood as; what are the privileged beliefs for a liberal democratic state within a foundherentist framework? First, it is best to think of the state which has already been well discussed in both philosophy and theory of politics. The state is the best place to start because it the overall social construct that include and be affected by others. Furthermore, the state and its sovereignty are two things that are simultaneously both very real and very abstract to us. From the role of sovereignty within a state, it must be asked what if anything makes a state sovereign? Here there are a few answers to this question, but for the sake of the modern democratic state there must be three elements present in order to establish, assert, and preserve sovereignty. There must be within a democratic state; a constitution, democratic principles, and, by virtue of the previous two criteria, institutions including those of a republican nature to comprise the government itself. In this way modern democratic states establish themselves in a manner that appears more complex than that of monarchs who rule by divine authority, dictators who rule through violence and coercion, or even that of direct democracy. Ultimately the final descriptor is left, liberal. Liberal is meant to imply the kind of liberalism that focused on rights and the use of constraints on either the government or groups in favor of

individuals and personal autonomy. Then it appears that at the core of a liberal democratic state there will exist a highly complex set of interrelated components that will act as the privileged beliefs or traits in the foundherentist political framework. They can be capture by four categories of social constructs; sovereignty, constitutionalism, democracy and by extension implied republicanism, and liberalism. This core for the liberal democratic state is what makes it different from other types of states, for it simultaneously becomes a physical and abstract entity that is not centered on violence, a particular individual, divinity, or organization.
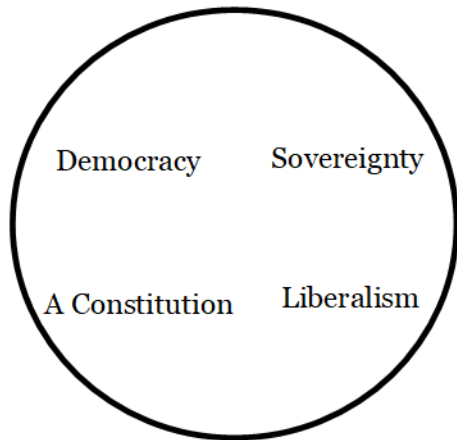

Figure 4 The core of a modern liberal democratic state

5.1 The State and the Role of Sovereignty

Sovereignty is a very important concept when understanding the state as a social construct. One could even argue that sovereignty is what makes a state the state, unlike any other type of entity. One key trait of the relationship between sovereignty and the state is that the state has a sole monopoly on sovereignty. Sovereignty is best described as the ultimate source of political authority, it must come prior to any form of government as sovereignty entails an independent autonomous state (Galligan 2013, 704). This is an excellent short definition of what sovereignty is, however, it does beg the question of what

is the ultimate source of political authority that a state can retain, and what it means to have political authority. This leads to there being different interpretations of sovereignty, and its source.

The expanded interpretations of sovereignty's basic definition focus on a dichotomy along an internal and external axis. The external axis implies a plurality of sovereigns, and the standards established for how a sovereign entity acts in that world sovereigns. The external focus may best be implied in reference to international relations and international law. External sovereignty is the freedom or autonomy a state has because of its equality to other states vis-à-vis the international community (Abat i Ninet 2013, 21). Alternatively, internal sovereignty is considered the exclusive authority to enact and enforce rules, including the power to create a legal order and government (Abat i Ninet 2013, 21). Internal sovereignty may be in reference to a state, a nation, or a people.

One should be careful here because not all states are sovereign, and both in the past and in the present, not all sovereign entities are states. One example of a non-sovereign state is one that is not recognized by the sovereign community, more commonly the international community. The Republic of China's (Taiwan) constitution and government both assert sovereignty over their island and people, however the international community refuses to recognize Taiwan as a sovereign state and it is known as the Two Chinas problem (Wu, John Ching Hsiung; National Constituent Assembly 2005, 3). The international community does not fully recognize Taiwanese sovereignty, even if they have it internally, because the People's Republic of China considers Taiwan to be a breakaway province gone rogue. Taiwan is effectively denied external sovereignty. On the other hand, we have two European social constructs that are neither states but

have equally retained some degree of sovereignty. First, is the Roman Catholic Church, which originally retained more sovereignty than that of states and monarchs prior to the creation of the Westphalian system. The second is a new creation out of the international organization of the international liberal world order, the European Union. The European Union is best described as an international and supranational organization. It is the only supranational organization in the world, and it is supranational due to the concept of pooled sovereignty, where sovereign member states delegate part of their sovereign decision-making powers to the higher level of the European Union, usually in matters concerning economic and fiscal policy. In this sense the EU is not a state, but it has ultimate political authority over all its member states, for pooled sovereignty in most cases is more powerful a singular state within the bloc. It is important to note though, that the foundational sources of pooled sovereignty for the EU is still its sovereign member states.

The internal-external dichotomy of sovereignty can best be understood through three concepts of sovereignty that help in understanding what it means for an entity to truly be sovereign. These are Westphalian sovereignty, the core of sovereignty, and sovereign equality. These different interpretations of sovereignty help define what makes an entity sovereign, but also the types of criteria inherent within a state as a social construct that will allow us to recognize it as sovereign. The first interpretation, Westphalian sovereignty, is widely accepted at large in the international community as the standard for sovereignty. The rule of Westphalian sovereignty is that "the determination of domestic authority structures is strictly an internal matter" (Axtmann 2007, 135). Importantly, Westphalian sovereignty allows the state to exclude external

actors from authority structures within its territory, thus establishing a principle of non-intervention and norm of autonomy (Axtmann 2007, 135). Westphalian sovereignty can be traced back to the Peace of Westphalia and the Treaty of Westphalia in 1648, where in the peace treaty it was acknowledged that a state could choose their religion and governing structures without having their existence challenged by other states. Westphalian sovereignty led to the creation of the modern nation-state which in turn led to the creation of the Westphalian system as the foundation for the international community. Westphalian sovereignty is perhaps the oldest and most clearly understood interpretation of sovereignty as it establishes a clear distinction between the internal and external realm of sovereignty while defining the capacities of both.

While Westphalian sovereignty does define actual internal sovereignty, it does not mention what authority structures are internal for its stated territory. It can be implied that there is the internal capacity of choosing a government, a religion or belief system, and the ability to enforce the rules which extend from the prior two. Domestic sovereignty and sovereign equality take the more internal approach to sovereignty as opposed to the Westphalian international focus. The core of sovereignty as defined in modern international law by Lassa Oppenheim relies on three criteria of national authority that comprises a sovereign core; (1) the power to adopt any constitution it likes; (2) adopt any commercial or economic models it so wishes; and (3) treat its subjects according to its own discretion. Now we start to see the beginnings of a more complicated state. Autonomy is still implied in all three criteria, however the first two hint at more modern aspects of the state. In the realm of the political, Oppenheim's interpretation of sovereignty makes having a constitution a requirement, or at the very least a

constitutional system. This implies a specific governing structure and an expanded notion of sovereignty where the sovereign and the state are very much separate from the individual and the ruler. The second point sets economic and commercial authority of the state as playing just as important a role as society and security. Economic and commercial authority can simultaneously apply to the external and to the internal aspects of sovereignty. One need only think of the modern examples of different types of market economies that states internally structure and regulate, and that of international trade where different markets connect with one another. The third criteria would remain relatively similar to Westphalian internal sovereignty in reference to society, beliefs, and conduct.

Then there's sovereign equality. Much like Oppenheim's core of sovereignty, sovereign equality also works in threes, it features three dimensions. Sovereign equality is the mutual recognition of juridical independent territorial entities (Westphalian nation-states) that serve as the foundation for accepting a state's authority when engaging in international agreements (Axtmann 2007, 136). Sovereign equality features three developed dimensions; international legal equality, existential equality, and legislative equality. International legal equality implies the Westphalian nation-state as it enshrines equality of states, territorial authority, and jurisdiction regarding people and resources within its borders, and the right to self-defense against other entities (Axtmann 2007, 141-142). This is represented in the United Nations' threefold significance on sovereignty. Legislative equality is best defined as the legal norms that states are bound to though their explicit consent, and their participation in creating them (Axtmann 2007, 150). The external aspect here is for international treaties and international organizations. One

could again think of the European Union here as its member states collectively created and then consented to The Treaty of Lisbon which established the EU as it is known today. However, internally it means that only the government of the state may create rules such as policy and law and enforce them. Lastly, is existential equality which states that the state has a right to freely choose and develop its political, social, economic, and cultural systems (Axtmann 2007, 150). Here we see the internal significance of government and the economic system at work. However, this definition described by the United Nations is also inclusive of cultural and social systems, the nation part of the nation-state. One could argue that due to the internal-external dichotomy the use of either of the two internal interpretations of sovereignty automatically implies the use of Westphalian sovereignty in establishing autonomy in external sovereignty.

These concepts help broaden our understanding of what makes an entity truly sovereign. However, we are still left with the question, what is the ultimate source of political authority that may be retained? Traditionally, the answer here is violence. Inherent in all the concepts of sovereignty is an allusion to violence and the use of force. It is generally held and argued that violence and the capacity and monopoly to use force is the central and exclusive characteristic of sovereignty (Abat i Ninet 2013, 21). This also means that any government which seeks to achieve sovereignty and legitimacy will be predicted on the use and monopoly on violence too (Abat i Ninet 2013, 8). Violence and the monopoly on it are necessary for a state to achieve not only legitimacy but also equally important security. Security is necessary to protect and defend sovereignty. Violence is perhaps the ultimate source, although there is another source that is not necessary, popular sovereignty. Popular sovereignty is the idea that a state and its government gain

its legitimacy from the people. It is an abstract democratic principle that states that legitimate political and legal authority within the state and all governmental powers are derived from the people as the legitimate source through consent and exercising power on their behalf (Daly and Hickey 2015, 21). This is helpful in understanding a kind of sovereignty specific only to democratic states. Otherwise popular sovereignty would dangerously illegitimize other types of non-democratic states if it were to be used as a necessary source for sovereignty, much like Oppenheim's constitutional requirement.

5.2 Constitutionalism and the Necessity of Constitutions

Constitutions now play a necessary role in the formation and understanding of the modern state. Furthermore, constitutions help play a role in making the state more physical than its territorial boundaries that prescribe its borders. Nearly every state in the contemporary world now has a constitution thanks to the United States and other advanced constitutional systems (Abat i Ninet 2013, 13). Constitutions largely serve a significant role in helping place the location of sovereignty within the state. In order for a state to have sovereignty, it must be located somewhere within the state's governing structures, the political system and government. A constitution will imply a set of rules and ideas that can be both written and unwritten that effectively describe a state's government and by extent, its constitutional system (Stimson 2008, 322). This makes constitutions extremely powerful as a component of the state for they help not only to locate the sovereign authority within the state (the one that monopolizes force or is above it), but also to help establish one of the four main systems within the state, the state's political system and its government.

It is worthwhile to note however, that not all constitutions describe liberal democratic states. One of the first constitutions to grace Europe since the Twelve Tables of the Roman Empire, was the Magna Carta signed in 1215 which created a constitutional monarchy. The Magna Carta established that no individual not even the King was above the rule of law, and it led to the creation of the King's Council of Lords comprised of twenty-five barons to check the king and other barons (Magna Carta 1215). The Council of Lords was the precursor to the House of Lords, and the Magna Carta while not describing how the British parliamentary system would evolve, did create a constitutional monarchy between the monarchy and the aristocracy. Alternatively, there can be extremely authoritarian constitutions such as that of the People's Republic of China which states that the interests of the state are above all else and nothing can be infringed upon it, and it rigidly defines the state's control over all aspects of the government and economy (China's Constitution 1982). Finally, there are constitutions much like the Magna Carta that take a more aristocratic bent in providing access to governing and participation. Constitutions and also republicanism have a tendency to go hand-in-hand in limiting government through rule of law (Stimson 2008, 322) (Abat i Ninet 2013, 11). This means that constitutions are not very democrat and very much perform the role of mitigating authority amongst different types of governing powers such as the commoners, aristocrats, monarchs, or oligarchs. The point here is that constitutions are meant to be descriptive and rather exacting in their power of embodying the state.

A constitution certainly helps describe the type of government and the political system. This can better be described as the constitutional system within the state, the combination of the political system and government that has been described, supported,

and projected outwards from a constitution or in some cases constitutions. A constitutional system is meant to include all significant institutions whether or not they are formally prescribed in the constitution including electoral arrangements (Dahl 2001, 41). A constitutional system then includes the growth of growth of government overtime along with the necessary spheres of representation and voting systems so long as the constitution takes on some aspects of republicanism in describing its government. The constitutional system typically attempts to mitigate direct rule of one group over another, so the republican nature is usually applied in providing representation of various groups.

The constitution also provides the location of sovereignty within the state, and the republican or limiting nature of the rule of law that a constitution bestows will also disperse the monopoly the state has on violence to different governing institutions. In doing so constitutional systems help establish sovereign legitimacy. Sovereignty as the language of constitutions becomes embedded in a constitutional republican system within one of three locations, essentially choosing who or what is ultimately sovereign. First, there are the constitutions which begin with *we the people*, these constitutions establish the people as the original sovereigns who come together and vest their collective sovereignty in the constitution itself as the constitution when the constitution itself does not specify if an institution is delegated the sovereignty the people invested in the constitution (Galligan 2013, 707). In this category we have the constitutions of the United States of America, Japan, South Korea, and India. Here the constitution becomes the sovereign itself bestowing authority upon governing bodies, and the constitution and the state become synonymous with one another (Abat i Ninet 2013, 28). The real sovereigns thus become the actors within the constitutional system who either originally drafted it,

or now have the authority to interpret and enforce it. The greatest example is the United States where the constitution becomes the supreme authority with the strength to repress all others including *the people* and the following generations who invested their power in it, the constitution's authority is exerted through a powerful legal system of case law that can thwart democratic institutions (Abat i Ninet 2013, 10, 29). The constitution is also extremely difficult to change in the United States. India's constitution similarly declares the people's investment of the constitution without mentioning *the people* elsewhere (India's Constitution 2019, 21). On the other hand, the constitutions of South Korea and Japan (which appears to be heavily influenced by the United States) not only declare the investment of the constitution by the people but also that *the people* remain a sovereign authority by way of democratic principles that focus on *the people* and individual freedom, and authority derived from the people by being exercised through representatives (Japan's Constitution 1946, 3) (South Korea's Constitution 1987, 3). These types of constitutions establish the sovereign as *the people* initially, who then either retain ultimate sovereignty in a constitutional system or invest it entirely in the constitution thus making it the sovereign and rendering the sovereignty of *the people* as ambiguous and mitigated. Some constitutions include in their language as originating from a nation without necessarily describing what that entails other than or alternative to *the people* (Galligan 2013, 709). This may hint at a strong relationship to the conception of the nation-state and allude to a significant cultural aspect such as the case of the nation of Poland or Ukraine, where for most of history they were clearly nations but not states. These constitutions then sought to make the necessary formation of the nation-state. These previously mentioned locations of sovereignty within the constitutional system lead to most if not all of the sovereignty being placed within the constitution itself.

The final location that sovereignty can reside within a constitutional system is parliament. Parliamentary authority is a model that evolved over time from constitutional monarchies and places sovereignty within parliament traditionally without direct reference to the people. In the constitutions of these states parliament will either be recognized as the sovereign or as the supreme lawmaker of the state (Galligan 2013, 710). Here there are constitutional monarchies that have evolved over time to become more like a democratic republic in nature as parliament asserts its authority and gains more power at the expense of the monarch and other factions. The classic example and progenitor of this constitutional system is the United Kingdom which does not feature a formal constitution. The states that have adopted such a model are typically British commonwealths made independent through post-imperialism and the rise of the international liberal world order, and older constitutional monarchies in Europe that transitioned under this system to creating democratic parliamentary republics under the guise of constitutional monarchies as the crown strictly became a ceremonial figurehead. In the Australian constitution the people invest their sovereignty not in the constitution itself but in the new parliament as the chief lawmaker under the constitution (Australian Government Solicitor 2010, 6). Canada's Constitution Act of 1867, describes the parliament as sovereign which is inclusive of parliament and it stresses the significance of and the distinction between legislative authority and the executive government (Canada's Constitution 2011, 13, 16). New Zealand's Constitution focuses on consolidating laws surrounding the legislature and it reorganizes all laws the legislature enacted in forming other governing structures like the High Court (New Zealand's Constitution 2014, 43). These could best be described as commonwealth constitutional systems that

not only happen to relate to each other but are also specific to British traditions and the English-speaking world.

All the Nordic states have adopted a constitutional system that now places the parliament, usually unicameral, as sovereign over a democratic government. Norway, Sweden, and Denmark derive from constitutional monarchies that do have formal constitutions, Norway's Constitution establishes the monarch as sovereign who needs the consent of parliament as the chief lawmaker, meanwhile Sweden's Instrument of Government and the Riksdag Acts requires the crown and government to be answerable to the Riksdag (Norway's Constitution 2016, 3, 7, 10) (Sweden's Constitution 2016, 65,103). Finland and Iceland are interesting states where they are not constitutional monarchies nor commonwealths but are parliamentary republics. Finland, much like *we the people* scenarios investing in the constitution as sovereign or the Australia case, invests all powers of the state upon parliament as the institutional representative of *the people* because the Finnish constitution envisions a democratic republic (Finland's Constitution 2011, 6). Iceland perhaps is the most straightforward by lacking a preamble entirely, simply declaring itself a republic with a parliamentary government, and the Althingi is inviolate (Iceland's Constitution 2013, 3, 10). Parliamentary sovereignty focuses less on violence as a legitimating factor of a democratic republican state, instead placing the legitimization on the value of legislation and regulation. Parliament as sovereign or the supreme lawmaker is also the only form of sovereignty where sovereignty is placed in a regularly functioning democratic and republican institution that acts with efficient mechanisms. Lastly, it is important to note that all three locations of sovereignty

within constitutions assume the establishment of a constitutional republic with a democratically elected body present somewhere within the constitutional system.

5.3 Liberalism and *the People*

After sovereignty and constitutions, it is time to address what exactly makes a state liberal and democratic. Commonly, the two have a tendency to go hand-in-hand as democracy is a required aspect of a liberal government in providing people political freedoms and participation, and democracies have the potential to be efficient and motivated guardian of liberal values (Freeden and Stears 2015, 330-331) (Warren 2008, 383) (Diamond 2003, 29). Liberalism though is rather complex as it is simultaneously a political theory, ideology, and a set of moral injunctions for human interactions to the extent that there can be multiple liberalisms which exist across time or at the same time. This confusion is partially due its success as the dominant ideology throughout developed states and the international world order (Freeden and Stears 2015, 329). First, liberalism can be defined as a political ideology that champions individualism often in the form of rights, social equality, and limits on social and political power (Freeden and Stears 2015, 330). In this sense liberalism develops a kind of paradox where it empowers the individual but also seeks to limit the collective power of individuals in the form of *the people*. Ideological liberalism does intertwine and call for other practices such as; rights, political obligation, rule of law, equality, democracy, liberty in the form of freedoms, institutional stability, and social harmony (Freeden and Stears 2015, 329,331). This appears to call for a fairly complex and specific kind of political system for a state to adopt focused on participation and liberties. A particular kind of state that not only accounts for political participation, but also recognizes that all individuals are equal and have an equal claim to

the same rights so no one party can infringe upon the rights of another. In political science, liberal describes a type of political system where individuals and groups are well protected and civil society and private life is made autonomous and separate from one another while being insulated from the authority of the state (Diamond 2003, 29). A liberal state then is one that is self-constraining as a it respects the rights of its subjects as individuals with personal freedoms that must be protected and not violated by the state. A state with self-constraint implies two mechanisms, a constitution and the rule of law. These two mechanisms are upheld by the constitution, a high court, and an independent judiciary. Liberalism not only requires a constitutional state but prefers a democratic one to establish and safeguard its citizens and their liberties. The logic is that a liberal constitutional state is better the more democratic it is as it allows for greater authority of the individual, groups, and *the people* over the state, thus protecting their freedoms and autonomy.

5.4 Democracy; Electoral, Liberal, and Polyarchal

Democracy is generally understood simply as rule of the people. However, it is important to stress that there is a difference between modern democratic states of contemporary time and direct democracies, such the historically famous Athenian direct democracy. While democracy's ancient concept of an assembled people making decisions, is all well and good it does not help in understanding the democratic nature of modern states as democracy is infused within a constitutional system. When democracy is mentioned here it is meant to describe a contemporary set of traits and implied governing structures that can and should exist within a modern state. The minimum definition of a democratic state or system in political science is electoral democracy, which is purely

focused on the governing structures within the state, it is a constitutional system that requires legislative and high executive offices to be filled by civilians via regularly conducted, competitive, fair, multiparty elections with universal suffrage for full citizens (Diamond 2003, 34). Electoral democracy then provides a definition of a democratic state that is not necessarily liberal in nature even though it functions as a democracy. In reality, this definition would help define the newer phenomenon of illiberal democracies and democratic backslide, and perhaps certain post-soviet 'managed' democracies. It allows a constitutional system to be recognized as democratic due to its governmental functions even though it does not adhere to liberal democracy.

The ultimate or maximum definition of democracy then for the modern state is liberal democracy, alternatively described as the practice of democratic liberalism. This is the final stop in understanding the complexities of a sovereign liberal democratic state for the conceptualization of liberal democracy does encompass constitutionalism, liberalism, and democracy. Liberal democracy is more expansive by requiring three new fundamentals to the constitutional system that then further imply more components; (1) there are no reserved domains of authority for the military or other actors that are not held accountable to the electorate; (2) there must be both vertical accountability vis-à-vis elections and horizontal accountability of officeholders and institutions to one another; (3) provisions must be made for political and civic pluralism, and individual and group freedoms (Diamond 2003, 34-35). The first fundamental is relatively straightforward requiring in no uncertain terms that the government in a liberal democracy is fully accountable to its voting citizens. To that end any form of state violence or force must be subservient to the democratic civilian institutions. The second fundamental I would

imagine sounds awfully familiar to most people as it calls for the separation or division of powers most notably between the executive, legislative, and judicial. This is where various liberal democratic constitutions diverge when choosing where to invest the powers of the judiciary, chief lawmaker, commander-in-chief, head of state, and head of government, and to what degree they are separated or how powerful they are relative to one another. The third fundamental can be interpreted as calling for a rule of law that holds all citizens as politically and legally equal and calling for enshrining certain rights within the constitutional system so as to define and safeguard pluralism and freedoms (Diamond 2003, 35). This is the ideal implication that the liberal democratic state does have the capacity to envision and develop a particular kind of society that is meant to revolve around rival interests and values that may be voiced through a continually ongoing process of discussion, debate, and representation beyond the periodic elections. Liberal democracy has significantly higher standards than that of the lesser electoral democracy as it seeks to hybridize liberalism, democracy, and constitutionalism. This is something that is not easily done considering both constitutionalism and liberalism seek to place constraints upon the state and democratic mechanisms. Therefore, no liberal democratic state is perfect.

Any functional liberal democratic state always has the capacity to be either more democratic or more liberal as the two concepts are in flux within the sovereign constitutional system. We can, however, create or define indicators that measure just how liberal and/or democratic a state is. The Economist Intelligence Unit lists five major categories for its Democracy Index that can be measured both normatively and empirically for how democratic a state is; electoral process and pluralism; the functioning

of the government, particularly in democratic procedure and accountability; political participation; political culture; and civil liberties (The Economist Intelligence Unit 2019, 3). This helps give a better understanding that modern liberal democratic states lie on a kind of spectrum that can include full democracy, flawed democracy, semidemocracy, illiberal democracy, pseudodemocracies, hegemonic party systems, and hybrid regimes (The Economist Intelligence Unit 2019, 5, 53) (Diamond 2003, 36-37,39). The spectrum does include a variety of what could be described as backsliding, dysfunctional, or incomplete types of liberal democracies as it descends toward a hybrid regime of authoritarian and democracy/liberal tendencies. This should show just how difficult and complex it is to achieve the status of a liberal democracy fully.

General indicators help measure the differences between different types of regimes that develop along the spectrum between a full and functional liberal democracy and authoritarianism, however it does not help in recognizing the components of a fully liberal democratic state. Thankfully there are scholars who have developed or codified a set of components that full liberal democracies should have. First, there are eleven components according to Larry Diamond when synthesizing what liberal democracy is and what it entails. Alternatively, Robert Dahl an important scholar associated with pluralist approaches to understanding municipal and national authority systems provides an extensive list of components necessary and inherent within a polyarchal democracy. A polyarchal democracy as introduced by Dahl, is the rule of the many through the power of the people. It is the name for a modern large-scale democratic government that is historically unique to contemporary times because of the collective institutions of modern representative democratic government that comprise it (Dahl 1998, 90-91).

Diamond's 11 Components of Liberal Democracy	
1.	Elected civilian officials have control over the state, its key decision-making processes, and key decisions.
2.	Executive power is constitutionally constrained by the autonomous authority of other governing institutions. Separation of Powers.
3.	Electoral outcomes are uncertain with a viable opposition and the expectation of party alteration in government. Any group that adheres to the constitution is granted the right to form a political party and contest elections.
4.	"Cultural, ethnic, religious, and other minority groups (as well as historically disadvantaged majorities) are not prohibited (legally or in practice) from expressing their interests in the political process or from speaking their language or practicing their culture."
5.	Citizens have available to them not only parties and elections, but also movements and associations, that they can freely form, as access to multiple continuous avenues for expressing and representing their interests and values.
6.	People have unrestricted access to alternative sources for information. This includes an independent media, via a freedom of the press, and other sources such as academia and transparent information from the government.
7.	Individuals are granted substantial personal freedoms of; belief, opinion, discussion, speech, publication, assembly, demonstration/protest, and petition.
8.	The law considers all citizens to be politically equal.
9.	An independent, nondiscriminatory judiciary protects the rights of individuals and groups, and the judiciary's decision are respected ad enforced by other governing institutions.
10.	The rule of law protects citizens from unjust actions by the state or non-state actors that inference or are violent, such as detention, exile, terror, torture, and intrusion into personal life.
11.	Democracy requires a constitution that constrains and balances political authority, ensures individual and minority rights, and the rule of law. (What the 10 components demand or imply as being necessary.)
(Diamond 2003, 35-36)	

Dahl's Criteria for a Democratic Process (State and non-state entities)		
1.	Effective Participation	Prior to a policy being adopted within an association, all members have equal and effective opportunities to make their opinions known as to what the policy should be.
2.	Voting Equality	When making a policy decision, all votes are counted equally, and every member as an equal and effective opportunity to vote.
3.	Enlightened Understanding	Every member, within a reasonable amount of time, has equal and effective opportunities for learning about relative alternative policies, and the outcomes of all policies proposed.
4.	Control of the Agenda	Members have the exclusive opportunity to decide how, and possibly what, matters are placed on the agenda. This is meant to keep the democratic process open and available to influence by all members.
5.	Inclusion of Adults (specific to government)	All, or most, adult permanent residents should have the full rights of citizens as implied by the previous criteria.
(Dahl, On Democracy 1998, 37, 92)		

		Dahl's Basic Political Institutions Required in a Large-scale (national and greater) Democracy
1.	Elected Officials	Control over government decisions regarding policy is constitutionally vested in officials elected by citizens. This necessitates that a Large-scale democracy must be representative in nature.
2.	Free, Fair, and Frequent Elections	Elected officials are chosen in regular and fairly conducted elections, where coercion is relatively uncommon.
3.	Freedom of Expression	Citizens have a right to express themselves on political matters without fear of severe punishment. This includes the criticism of officials, government, regime, socioeconomic order, prevailing ideology/ideologies, and implies freedoms of speech and protest.
4.	Alternative Sources of Information	Citizens have a right to alternative and independent sources of information. These alternative sources of information must not be under the control of the government or a single political group that seeks to influence the public. These independent sources must be protected by law. The reason for the freedom of the press and other forms of information.
5.	Associational Autonomy	In order to achieve other various and desired rights, especially those necessary for democracy, citizens have a right to form relatively independent associations or organizations, including political parties, movements, and interest groups.
6.	Inclusive Citizenship	No adult permanently residing in the country and subject to its laws can be denied the rights that are available to and are necessary for the establishment of the political institutions mentioned previously.
	(Dahl, On Democracy 1998, 85-86)	

Dahl's Constitutional Criteria		
1.	Stability	The constitution shall provide for a democratic framework of government and also enshrine all necessary rights and guarantees that enable the basic political institutions.
2.	Fundamental Rights	A constitution has the capacity to protect both majority and minority rights. This may include basic rights and duties outside of those needed for the basic political institutions.
3.	Neutrality	A constitution maintains neutrality amongst the state's citizens, to the point where constitutional arrangements ensure that the lawmaking process does not favor or penalize the legitimate interests, opinions, or values of any citizen or group.
4.	Accountability	The design of the constitutional system generously allows for citizens to hold political leaders accountable for their decisions, actions, and conduct while in office.
5.	Fair Representation	A controversial criterion that is identified by the formation an effective government and voting/electoral systems that includes consensus and conciliation mechanisms.
6.	Informed Consensus	The constitutional system has the capacity to create and establish incentives and opportunities for political leaders, via structures, to engage in negotiations, accommodation, coalition building, and the conciliation of diverse interests.
7.	Effective Government	A government should have the ability to act swiftly or timely in order to deal with what citizens take to be major issues and problems they encounter and believe government action is needed. A constitution should then envision a constitutional system that has procedures to avoid deadlock, delay, or evasion in confronting issues. Effectiveness should be likened to proactive and responsive governance.

8.	Competent Decisions	Effective governance should be counterbalanced by procedures allowing for policy to be drafted based on the best knowledge and information available when solving urgent problems on the state's agenda. A wise policy and decisive policy are not always synonymous.
9.	Transparency and Comprehensibility	The government's general operation and functions are open to public view and inquiry and is fundamentally simple enough that citizens can quickly grasp how and what it is doing. This is necessary to hold leaders accountable in elections.
10.	Resiliency	A constitutional system should not be so constrained by its constitution that it is rendered unable to adapt to current and/or unique situations. A constitutional system in a new situation should be able to adapt and evolve while retaining high degrees of the criteria, instead of rendering itself dysfunctional or in crisis when faced with dilemma.
11.	Legitimacy	The constitution and its constitutional system must have sufficient legitimacy. Legitimacy is seen in the constitutional system by it maintaining the previous 10 criteria to a high degree, allegiance from citizens and political elites to guarantee its survival. The constitutional system may also receive addition legitimacy through exterior sources such as a monarch in a constitutional monarchy, *the people*, God, or the classic sovereign source of violence.
**(Dahl, On Democracy 1998, 124-127)**	

6. A Foundherentist Model for Legitimizing the State's Existence

This paper has endeavored to explain first a foundherentist account in epistemology. Then constitutional foundationalism was introduced as the dominant way we currently seek to understand and model constitutional states and by extension, the liberal democratic state. However, I contend that constitutional foundationalism is not flexible enough to handle the complexities of the liberal democratic state. By all accounts, within both political philosophy and political theory, the liberal democratic state is a hybridization of at least four major social constructs; the state/sovereignty, democracy, liberalism, and constitutionalism. No singular social construct among the four assumes a greater role in the hybridization as they all overlap and intersect greatly. Thus, constitutional foundationalism, which is purely linear in its justification, is sorely lacking considering the acknowledged interrelatedness of the four social constructs. It also establishes a rather strange notion that the constitution is dominant in the liberal democratic state, while it is certainly an integral part of binding and forming the liberal democratic it is not the only foundational element of the liberal democratic state. If a supporter of constitutional foundationalism were to admit that there was another absolute element within the constitutional system, for example one where parliament has sovereign authority as chief lawmaker and contests the constitutions constraints, then they would run afoul of the conflict between absolutism and the hybridization of the liberal democratic state that guarantees overlap. Therefore, a foundherentist framework would be a better alternative for understanding the liberal democratic state. What does such as framework look like?
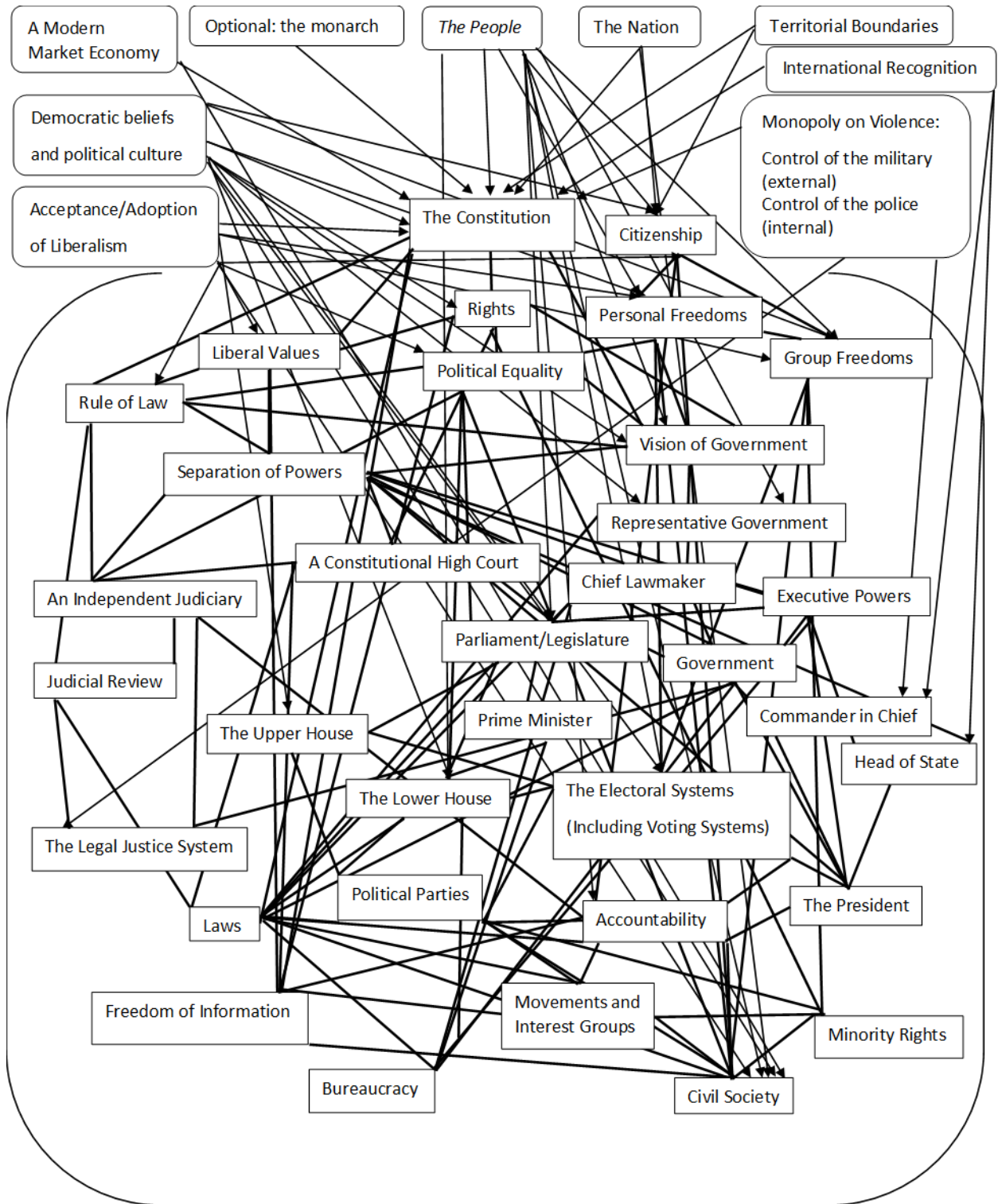
Figure 5: A 2d black and white model of a foundherentist framework of the liberal democratic state and its constitutional system. The rounded boxes indicate external sources of justification outside of the constitutional system. Regular boxes indicate elements within the constitutional system. Arrows indicate justification from one of the external sources. Lines serve as connections representing the omni-directional and reciprocal nature of justification between beliefs in foundherentism. The brackets frame the constitutional system.

6.1 Understanding the Foundherentist Framework for Legitimacy

Now at first glance the model above might appear to make less sense rather than more. That is partially due to the issue of attempting to render a foundherentist model on paper as a foundherentist model is significantly more complex due to its inherently powerful use of Up-and-Back-ism which establishes reciprocal and omni-directional justification between all beliefs in a belief system including those that are privileged, the reciprocity of justification need not be equal when flowing both way as it can flow in degrees of relative security (CFIX) (Haack 1982-1983, 149). Admittedly the flaws of the 2d foundherentist model is that it cannot show the security status of an institution (CFVIII), nor can it display the unequal flow of justification along a connection between two institutions (CFIX). Regardless of how well it performs on paper, it does perform rather well in helping to understand the complexities of the liberal democratic state as expected. Perhaps a complex noetic structure is required to understand one of the most complicated and powerful social constructs humanity has ever had the pleasure of creating and experiencing.

First there are the rounded boxes that contain other institutional social constructs. These social constructs are external to the constitutional system, but they help provide the necessary criteria and justification for it. Furthermore, some of these social constructs are kept vague in the political realm as they are extremely difficult to conceptualize, such as *the people* or liberalism. *The people* is/are an extremely powerful force from which all governments use as a source of legitimacy, but it is also a very disorienting concept that appears to simultaneously be conceived as the universal and particular, abstract and concrete, collectivity and collective, and myth and mundane (Canovan 2008, 350, 353).

Therefore, the people whatever it may be, influences the constitutional system but is not a component within it. This is where the principal of plurality, when multiple justifications based on those reasons available (CFIV) originate from experience (CFII) or other available beliefs (CFIX), kicks in. For the principle of plurality allows beliefs, in this case components, to be justified by sources external to the framework (CFII) that are either perceptual states (physical), belief states (other social constructs and institutions), introspective states (identity), or memory states (history, records, and national memory) (Haack 1993, 116). Now, the people are/is a source of justification, no matter how they/it is defined by scholarship. Foundherentism can account for it no matter the kind of source the people become. This may seem to be too good to be true, saying that foundherentism is flexible enough to account for the people problem where explanations of popular sovereignty fall into an infinite regress or a circular regress on the basis of unity (Espejo 2011, 28, 43, 104). However, it does. Foundherentism as a noetic structure in epistemology does not tolerate regress problems well and it generally seeks to diffuse them. First, the framework does not assume that the people are the only source of sovereignty, as there are others available. Second, foundherentism can assume that popular sovereignty is derived from the people through multiple reasons, or perhaps through unity in an explanation that has not been found yet but still applies. Third, it is entirely possible to replace the people in the example framework with the popular sovereignty and then make an argument that popular sovereignty is inclusive of the unity of the people, but it is not solely dependent on it. Lastly, for the sake of the foundherentist framework for the liberal democratic, it is not necessary to assume that the people continue to retain popular sovereignty or a monopoly on it. Popular sovereignty can easily

become embedded elsewhere such as within a parliament, invested in a constitution, or dispersed throughout the framework.

Then there are four sources in rounded boxes, that have physical dimensions to them. The modern market economy, which admittedly could be argued as optional, on its own is also an extremely potent and complex social construct that interacts with the modern state on a regular basis as the state seeks to structure and regulate it, while the market works naturally to allocate goods and services. It contains the very real aspects of physical resources from the Earth itself, along with services, labor, and bartering interactions among parties of two or more. The other three, on the right of the framework, should also be familiar as central parts of Westphalian sovereignty of the state. Much of what makes a liberal democratic state liberal and democratic is internal, while externally state sovereignty remains Westphalian in nature. Territorial boundaries do aid the constitutional system internally in defining the control and citizenship of the constitutional system. Meanwhile, the monopoly of violence influences how certain governing structures are created and regulated, bearing in mind that that monopoly must be in the control of civilian elected office holders and accountable to them. This applies both to the monopoly of violence internally (the police) and externally (military), where the polyarchal democracy prefers the separation of the internal and external forces under different subsystems of governance, control, and accountability. Violence very much has a physical aspect to the individual and property. International recognition then serves to acknowledge the internal constitutional system as the body of the liberal democratic state it inhabits. The recognition bestows a kind of sovereignty that only be granted vis-à-vis other states in world of anarchy, without it the constitutional system in whatever form

would be considered rogue and not associated with its physical boundaries it claimed to operate within.

6.2 A Special Place for the Constitution: The Binding Agent

What about the constitution though? It is a part of the four major social constructs that realize the liberal democratic, why is it not in a rounded box? This was admittedly more of a personal choice in focusing the example framework on the internal constitutional system. To that end, the constitution could probably fit in a rounded box as constitutionalism, or one could split the different and have a rounded box for constitutionalism and a regular one for the constitution. The point here is that the constitution is a very real binding agent. With the exception of the United Kingdom, and even then, there is the Magna Carta and the English Bill of Rights, most if not all modern liberal democratic states feature a physical constitution that envisions the political system or constitutional system. To that end, the constitution embeds itself in the constitutional system it projects internally within the state where it becomes not only a visionary component but also actively functioning one that encourages certain internal processes and safeguards others. Furthermore, much like a good constitutional system at large, one which perhaps satisfies Dahl's criteria to a very high degree, should have the capacity to change and evolve overtime to meet the needs of its citizens and overcome new situations.

This means that the constitution is a bit more than a source of justification for the constitutional system as it exists within it and is constantly influencing the system. Therefore, the constitution is a privileged belief. Unlike constitutional foundherentism's absolutist position of the constitution, the foundherentist principle of privileged beliefs affects the framework here, as it holds that privileged beliefs have a high degree of security

(CFVI), though they are not absolute (CFVII), that is based on both experience (CFII) and other beliefs that are linked to them (CFIX), which makes them the most secure beliefs in the belief structure (CFVIII). The constitution as a privileged belief should make more sense here. A constitution admittedly is not perfect, and under an ideal system it should have the capacity to change. Optimistically one would hope that a change to a constitutional system would be a positive evolution occurring under the necessity for reform.

6.3 Popular Sovereignty and the Capacity to Make Amends

A constitutional change can happen through one of two common ways, amending the current constitution that is in effect, or adopting an entirely new constitution. The two effects are extremely powerful forces for changing a constitutional system as they effect a very privileged component to the point of shifting all lines of legitimacy within the system and changing the vision. The amendment process is commonly triggered by the parliamentary institution within the constitutional system. Interestingly, some constitutional systems feature a parliament that can initiate the amendment process at will to the point of adopting a new constitution or being above the constitution itself. The British constitutional system is an example of one where the British House of Commons has an equally high degree of security, if not higher, than that of the available body of constitution(s). Constitutionally speaking, popular sovereignty is not exercised by the people, but is instead defined as being invested in and exercised by parliament, and through referendum, that is embedded in the constitutional system (Estonia's Constitution 2015, 13) (Daly and Hickey 2015, 24). Alternatively, the 1922 Constitution of Ireland effectively allowed for popular sovereignty to be exercised ultimately by the

parliament with its ability to amend the constitution by either a legislative majority or a supermajority depending on whether the amendment(s) would be temporary or permanent (Daly and Hickey 2015, 22, 25, 26). The current constitution of Ireland calls for an amendment process that requires initiation and approval in parliament followed a public referendum (Ireland's Constitution 2019, 40). Exercise of popular sovereignty within the constitutional system itself, is perhaps the greatest demonstration of their being a least one or more highly privileged components other than the constitution for popular sovereignty is the exercised force of *the people* wielded to amend the constitutional constraints they are governed by (Grimm 2015, 73). Many of the boxes listed in the example foundherentist framework of the constitutional system do appear to be extremely powerful social constructs in themselves, and seemingly highly secure in the constitutional system vis-à-vis various connections and degrees of legitimacy. Admittedly, this means much to the dismay of the absolutist that there are multiple reinforcing highly secure privileged components within the constitutional system of a liberal democratic state, some of which have the capacity to change the constitutional system or governance at large.

6.4 Foundherentist Flexibility and Safeguards for the System

The foundherentist framework then has been shown to be terribly effective in its application to the modern liberal democratic state and its constitutional due to its flexibility and willingness to adapt and accommodate the available social constructs. What if... this framework is a little too flexible? This seems like a reasonable concern, the idea that something bad could be introduced to or produced by the system, and then it would be justified and accepted at large into the constitutional system. Bad in this case

being something that would be inherently against liberal and/or democratic values or institutions, something that could rot or distort the system from the inside. Easy examples are authoritarian tendencies or nationalism. First, without popular sovereignty overriding the entire system via parliamentary override, it is extremely difficult to upset the unity of the foundherentist framework. The principles of relative justification and best inferred true belief are constantly in effect as safeguards of the coherent unity of the framework. The principle of relative justification states that different causes (CFIV) provide different levels of justification on a relative scale (CFVIII). Meanwhile, the principle of the best inferred true belief states that the inferred belief to be adopted is the belief with the best reasons for accepting it (CFIII), including its ability to cohere to the structure (CFVIII), and those other alternative beliefs which were not accepted had a lower degree of justification (CFIX). These two principles call for a very strict process of scrutiny when adopting new components including laws and other aspects. The Baltic states of Estonia, Latvia, and Lithuania, specifically choose to model their new constitutional systems that they were developing in the post-Soviet 1990s off of the 'best practices' of the German and Nordic models in combination with preexisting components they had during prior periods of independence (Grigas, et al. 2013, 23). This is an excellent case of the use of the two principles as the Baltic states selected 'best practices' which in the case of constitutional components can be equivalent to a best inferred true belief, that then adhered to their preexisting components thus forming greater coherency.

There are also cases of these principles actively at work within an existing advanced polyarchal democracy. Consider the extremely proactive and effective German practice of militant democracy. Here the authors of the Basic Law, "fortified the state's institutions

with the duty and defined powers to resist forces in society that threaten to undermine the democratic order" (Meyer-Resende 2019, 3). German militant democracy is expressed in the Basic Law through the justice system and specifically the Federal Constitutional Court (FCC) with the powers; to forfeit the rights of a citizen who abuses their protected freedoms "in order to combat the free democratic basic order"; and to rule that parties that "seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany" are excluded from state financing, or declared unconstitutional (Basic Law 2019, 25, 27, 28). The Bundestag also created an intelligence service, the Bundesamt für Verfassungsschutz (BfV) (literal translation: Federal Office for the Protection of the Constitution), under the supervision of the Bundestag and the FCC, "to collect and analyze information on the efforts directed against the free democratic basic order or aimed at unlawfully hampering constitutional bodies of the Federation or one of its States or their members in the performance of their duties" (Bundesamt für Verfassungsschutz 2015). A very recent and ongoing example of German militant democracy at work is the investigation of the new populist-radical-right-party Alternative für Deutschland (AfD) and its affiliates by the BfV for concerns regarding extremism, the denial of minority rights, and antidemocratic tendencies (Meyer-Resende 2019) (Reuters and Algemeiner Staff 2020). The FCC is an extremely powerful institution with an influential judicial authority in a civil law legal and constitutional system, it has the capacity to strike down acts and laws efficiently (Basic Law 2019, 27-28, 39, 70-71, 84-90, 112, 122). In the past, the German Federal Constitutional Court has acted multiple times in ruling and declaring extremist political parties as unconstitutional due to anti-democratic behavior, and has now set a legal precedent for ejecting components created by German civil society that do not adhere to the constitutional system (Bundesamt für

Verfassungsschutz 2015). Militant democracy is perhaps the ultimate realization of the immune system that the two principles of best inferred true belief and relative justification provide for the foundherentist framework. These two principles work best when the independent rule of law is powerful enough to prevent popular sovereignty exercised by parliament, referendum, and civil society, from jeopardizing the stability and nature of the polyarchal democracy. Democracy's effectiveness for action and change must be reasonably counterbalanced by embedded liberal stability in the constitutional system bolstered the rule of law.

7. Conclusion

I endeavored to defend a foundherentist account in the realm of politics by developing a foundherentist framework for the constitutional system of the liberal democratic state. To this end, foundherentism was first subjected to political epistemology where the dominant forces are constitutional foundationalism and the two opposing anti-foundationalist camps of hedgehogs (legal coherentists) and pragmatists. It was there Haack's key components to her noetic structure for foundherentism were synthesized into four principles. The four principles drawn out were; relative justification, plurality, privileged beliefs, and best inferred true beliefs. At this point there was only mention of ideas and beliefs. Noetic structures in epistemology can be considered theories for how the mind of an individual accepts, orders, and justifies beliefs in order to form as complete a body of knowledge as possible. Beliefs though are very powerful for us thinking creatures to the point where we can collectively develop complex ideas and a set bodies of knowledge, that we can collectively agree and conceive of along similar lines of thinking.

Through human organization and interaction, we have been able to, over time, create complex ideas that help us govern the way we live and interact with the physical world and each other, that which we call social constructs. The midsection, arguably the majority of this paper, worked to bring about synthesized understandings of four very complex and intertwined social constructs. It would have been foolish to expect a simple definition of the liberal democratic that foundherentism could be applied to. Instead, the liberal democratic state has to be fleshed out, so its internal components could be identified as they would need to be accounted for and installed later within an applied framework. Most of the work of the midsection was devoted to the synthesis of definitions and concepts within both political philosophy and political theory for the state, constitutionalism, liberalism, and democracy. Within the section on the state, an emphasis was placed on the importance of Westphalian sovereignty and the nation-state. The idea that the state is sovereign to the point of being able to have territorial boundaries, a monopoly on violence, international recognition, and have the autonomy to decide as an internal matter its own domestic authority structures including its political, social, economic, and cultural systems. It is also in this section where I introduce the two primary sources of sovereignty, popular sovereignty and a monopoly on violence. The section on constitutionalism then recognizes that most modern states of today have and operate by some kind of constitution. A constitution helps describe the type of government and the political system. Meanwhile, a constitutional system within the state can be understood as the combination of the political system and government that has been envisioned, supported, and projected outwards from a constitution or in some cases constitutions. Constitutionalism then conceptualizes a unique place and understanding of the value and functions of the constitution, especially in its role of establishing the constitutional system

and establishing the rule of law within it. Essentially, the constitution in an established constitutional system, helps constrain the political system it envisions.

Another major social construct also seeks to constrain the democratic state. Liberalism seeks to constrain democracy in the name of personal and group freedoms. Liberalism commonly advocates for individualism often in the form of rights, social equality, and limits on social and political power. In its advocacy for individualism, ideological liberalism does intertwine and call for other practices such as; rights, political obligation, rule of law, equality, democracy, liberty in the form of freedoms, institutional stability, and social harmony (Freeden and Stears 2015, 329, 321). Note, however, that democracy is one of eight institutional practices that liberalism calls for in a constitutional system. Democracy though is a beast of a social construct in its own right that has evolved into a range of forms. First, there is the simplistic democratic criteria of having an electoral system. Then there is the seemingly more complex liberal democracy as detailed by Diamond. Likewise there is the more specific and complex, polyarchal democracy as introduced by Dahl, rule for the name of a modern large-scale democratic government that is historically unique to contemporary times because of the collective institutions of modern representative democratic government that comprise it (Dahl 1998, 90-91). Both Diamond and Dahl provided necessary components of liberal democracy. In the midsection, the four major social constructs were ordered in the way they built on one another until hybridizing into the modern liberal democratic state that had most of its components listed in the democracy section by Dahl and Diamond.

Finally, I introduced my model of a foundherentist framework for the constitutional system within a modern liberal democratic state. My reasoning for the

boxes chosen within the constitutional system as examples of internal institutions were added based on the components determined in the midsection, and the various constitutions studied. Admittedly, for a more inclusive model, I additional drew inspiration for the example model from the French constitutional system which features the dual executive roles of both a President and a Prime Minister, along with all other institutions listed in the foundherentist framework (France's Constitution 2008). This foundherentist framework effectively applied the work of the first part of the paper surrounding the development of foundherentism in epistemology, to the constitutional system and its components as outlined in the midsection. The entire paper prior to section six, culminated into the applied model of a foundherentist framework for a constitutional system within the modern liberal democratic state. Afterwards, I endeavored to explain how the model worked. Yes, the model appears messy due to it being a black and white 2d rendering, however as an application it is very effective. In application, the foundherentist frame provides; overall legitimization or justification, unity of components or the system at large, flexibility, and safeguards. It is entirely plausible to suggest, that while we may not know it, we do already collectively think about the modern liberal democratic states in this foundherentist fashion. For proof simply defer to the approximately nineteen constitutional systems that referenced throughout this work, fifteen of which are modern liberal democratic states from whose constitutions, and by extent their constitutional visions, were used as primary evidence.

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