

# Liberalism



IVSTITIA  
EST VOLVNTAS  
IVS SVVM CVIQVE  
TRIBVENDI LEGVM  
DENIQVE IDCIRCO  
OMNES SERVI  
SVMVS VT LIBERI  
ESSE POSSIMVS



Cover:

*Justitia*, or Lady Justice, pictured with a sword symbolising the State monopoly on violence, a blindfold symbolising equality before the law and the scales which stand for justice.

Justitia est constans et perpetua voluntas ius suum cuique tribuendi: Justice is the constant and perpetual desire to give to each one that to which he is entitled (*Domitius Ulpianus*).

Legum denique idcirco omnes servi sumus, ut liberi esse possimus: We are in bondage to the law in order that we may be free (*Marcus Cicero*).

## **Preamble**

If God is love and if we need freedom to love, then it must be our duty to defend freedom to the best of our ability.

If a person steals from another, that person interferes with the other's freedom (cf., for instance, Kant: one person's freedom ends where another person's freedom begins). It is for this reason that we need a police force that protects the individual's freedom.

Who would pay for roadworks if the individual was not forced to pay taxes? Those who use the streets. When cars drive along the streets they consume gasoline. The funds to pay for roadworks could be levied along with the price of gasoline.

However, this simple theory becomes complicated when we factor cyclists into the equation: we would have to measure the distance cycled by cyclists and invoice them for it.

And what about pedestrians? Pedestrians can also handle uneven territory. As such, it would be wrong to bill pedestrians for something that they do not need.

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## Introduction

Die Entwicklung der Menschheit

Einst haben die Kerls auf den Bäumen gehockt,  
behaart und mit böser Visage.

Dann hat man sie aus dem Urwald gelockt  
und die Welt asphaltiert und aufgestockt,  
bis zur dreißigsten Etage.

Da saßen sie nun, den Flöhen entflohn,  
in zentralgeheizten Räumen.

Da sitzen sie nun am Telefon.

Und es herrscht noch genau derselbe Ton  
wie seinerzeit auf den Bäumen.

Sie hören weit. Sie sehen fern.

Sie sind mit dem Weltall in Fühlung.

Sie putzen die Zähne. Sie atmen modern.

Die Erde ist ein gebildeter Stern  
mit sehr viel Wasserspülung.

(...)

So haben sie mit dem Kopf und dem Mund  
Den Fortschritt der Menschheit geschaffen.

Doch davon mal abgesehen und  
bei Lichte betrachtet, sind sie im Grund  
noch immer die alten Affen.

*Erich Kästner*

For most of our history as a species, "man" has lived as a hunter and gatherer.



Homo erectus/sapiens

Civilisation

As such, we have the same natural instincts as the "ape" in the poem (or of homo erectus/sapiens).

However, our surroundings have developed in a way that is inconsistent with our basic nature: The world is much more densely populated. A million years ago, homo erecti would hardly ever have stumbled across foreign clans. Today, we interact with strangers on a daily basis.

Within the group, justice ensued as a result of love: Useful conduct was rewarded with appreciation and recognition, while conduct which did not serve survival to the same extent earned less appreciation.

Today, this is no longer true in our interaction with strangers: Man is no man, but a wolf, to a stranger (*Lupus est homo homini, non homo, quom qualis sit non novit*). The police developed in order to prevent conflict.

People have a desire to achieve their dreams and to gain recognition.<sup>1</sup>

Originally, these needs served as a means of survival. Good hunters were valued and praised, which encouraged them to hunt and bring home food to the best of their ability. What best served the individual was also in the best interests of the community as a whole.

Freedom and personal responsibility are crucial to allow the individual to achieve his or her dreams.

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<sup>1</sup> Cf. Maslow's hierarchy of needs: Other needs include physical needs (such as nourishment), the need for safety and social needs.

## **Social Welfare**



Let us commence by considering the term Social Welfare: social is something kind, caring for the weaker. Things that are social are based on personal contact and are offered voluntarily. However, taxes are no longer offered voluntarily! They are no longer made based on "kindness". There is no personal contact, no love between the giver and the recipient.

Help is only social if it is based on personal contact, for example, a friend lending money to a friend or family providing food to others in need in times of difficulty.

## **"Social Justice"**

While we have already considered the word "social", the use of the word "justice" is not without issues. The ancient Romans and Greeks believed that it was just for a person to receive *suum cuique*: that which he earned. Under this philosophy, no work means no pay, but good work should be rewarded well.

## **Unemployment Insurance:**

Anybody who wishes to be insured against unemployment should be allowed to take out such insurance. However, those who do not wish to have such insurance should not be forced to participate in such a system. Whether or not participation is worthwhile is up to the individual.

It would be desirable for the free social welfare system to be converted to a social insurance system in which the policy would provide cover in the event of a loss of work and lack of assets allowing a person to retain a basic income.

## **Old Age Insurance:**

Providing for a pension for retirement is of key importance. The insurance system is a sensible solution as it is impossible for a person to know how long they will live and how much money they will require. Everybody should be free to choose their own retirement age.



**Disability Insurance:**

The disabled are no longer able to earn a living for themselves. They need to live off of their savings or rely on the help of friends and acquaintances.

**Health Insurance:**

The ill and infirm often rely on support. It is often viewed as unjust to refuse help due to a lack of means.

However, it is the individual who is responsible for his or her own health. Where a person seeks and receives a doctor's assistance, the doctor has a right to payment for his or her work. Accordingly, everybody should determine the illnesses and complaints that they want to be insured against.

In Switzerland, if a person requires medical assistance and medical personnel refuse to provide this assistance, the personnel commit an offence: "Any person who fails to offer aid (...) to another who is in immediate life-threatening danger, in circumstances where the person either could reasonably have been expected to offer aid, (...) is liable to a custodial sentence not exceeding three years or to a monetary penalty."<sup>2</sup> It is similarly illegal to fail to carry out an action which protects a patient from serious injury.<sup>3</sup>

**Side note: Involuntary Commitment**

Preventative detention or involuntary commitment is something which should no longer exist in our society. People who have not done anything other than allegedly being sick are locked up for reasons of so-called self-protection. This takes away their freedom of self-determination over their lives by labelling them as sick. Where is the fairness?

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<sup>2</sup> Art. 128 of the Swiss Criminal Code.

<sup>3</sup> Cf. Art. 11 (Commission by omission) and Art. 122 (Grievous bodily harm).

## **Children**

The State/employer should not be responsible for providing for an individual's children. They are one's own children.

Where parents divorce, they should be equally responsible for their children. As such, there should never be a need for maintenance arrangements.

Nobody should be able to take somebody's child from them.

*Minimum wages* are aimed at guaranteeing a specified level of income for employees. However, they often have the effect of excluding them from the employment markets: where minimum wages apply, jobs are often not offered in the first place.

## **Refugees and Asylum Seekers**

Not everybody is welcome in countries like Switzerland or the USA.

As such, Switzerland and the USA barricade their borders and differentiate between residents and non-residents on the basis that foreigners cost money.

However, foreigners should be able to exercise self-determination in relation to their own lives: the ability to choose a place to live is a fundamental human right.

Anybody who chooses to go to Switzerland or the USA needs to be responsible for his or her own life.

## **Foreign Aid**

Everybody is free and responsible for him or herself. We do not achieve anything with (voluntary) foreign "aid".

However, things actually get quite dangerous when we employ involuntary foreign aid. This is no longer based on voluntary choice. If we give something away and do not see anything in return, this fosters dissatisfaction. This dissatisfaction is taken out on those who are "different": the weak become scapegoats. Discrimination, exclusion and racism ensue.

## **Education**

Today, children are *forced* to go to school. In many countries, school students do not even get a chance to choose *what* they want to learn.

This results in a lack of motivation. School is no longer about learning, but about getting “worn down”.

Learning should arise from personal motivation. Each child should be free to determine what it wants to learn. Children's different interests and inclinations are as diverse as people themselves. People should study what they are best at and most interested in – this is how we will get the best specialists.

School should be *for* students, not *against* them.

In return, students should give something back to the school: money. In other words, students should pay for what they learn.

It should not be forbidden for them to have a job while they are at school. Students should not be assessed as "good" or "bad". People are not better or worse. They are different.

Assessment could be in the form of voluntary tests (like language certificates) or projects and assignments which students can present when they have job interviews.

## **Military**

We do not have a world police force, even if the UN is working to that end. Should the deployment of peace keepers not be subject to UN law rather than on the consent of the member States? And for example the International Criminal Court apply this law?

The army and military funding should be voluntary.

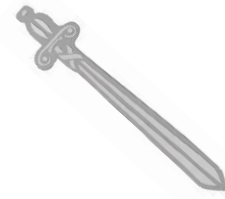
## **The Courts**

Under the laws of civil procedure, there is a principle that the unsuccessful party to an action should bear the costs of the proceedings. This principle should be applied consistently: free legal aid should not be provided any more. It is up to the individual to decide whether or not to hire a defence lawyer.



The same principle applies on appeal: the unsuccessful party pays the court costs. The trial judge should not deliver an "incorrect" judgement and profit from it: the legal costs of the party who was unsuccessful at first instance should be refunded.

## Police



It is the role of the police to ensure that people do not interfere with others' freedom.

If a person has interfered with another's freedom, this person must "give back" the other person's freedom. For example, a thief must return stolen money or provide other compensation.

Justice must also be done: the culprit has taken something to which he did not have a right.<sup>4</sup> He deserves punishment.

This can be imposed in the form of a fine. If an offender does not have enough money to pay the penalty, the offender's freedom is taken: the offender is locked up.

Justice should also apply within the prison system. Good behaviour should be rewarded and bad behaviour punished. For example, if a person injures a fellow prisoner, they should be locked up in their cell. Work, on the other hand, should be rewarded, but it should be voluntary.

If a person does not want to work, they should remain in their cell. There should never be more than one person to a cell.

Prisoners' visitors should not be punished: family should be entitled to unrestricted contact with prisoners.

In the same way that the police force is financed using fines and pecuniary penalties, prisons should be financed through prisoners' work.

The police enforce the law. Laws are passed by the parliament. The people elect the parliament.

It is unlawful to interfere with the freedom of another. The consumption and sale of drugs should therefore not be punishable, as a drug addict only harms himself. It should be illegal to advertise drugs.

Nobody should be able to download works without the permission of the copyright holder. This is an interference with his or her freedom.

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<sup>4</sup> Justice is the virtue of giving a person what he deserves, *Augustinus Aurelius* (354 - 430 AD)

We have already discussed roadworks.

The environment belongs to us all. Everybody has an interest in an untarnished environment. By destroying nature, we harm everybody else on the planet. This kind of conduct should be penalised.

As already discussed under the chapter "Military", there is no world parliament. If driving a car in the USA triggers a hurricane in the Philippines, nobody is charged for this.