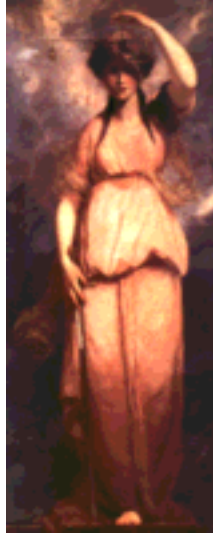


An Introduction to
Natural Law and Democracy



Lex est mea maxima legum

My law is the highest of laws

Justice above the Law – Justice without the Law

Robert de Limburgh
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Freedom and the Law

Where are there laws, and where are they respected?
Everywhere you have seen only individual interest
and men's passions reigning under this name.
But the eternal laws of nature and order do exist.
For the wise man, they take the place of positive law.
They are written in the depth of his heart
by conscience and reason. It is to these
that he ought to enslave himself in order to be free.
The only slave is the man who does evil,
for he always does it in spite of himself.
Freedom is found in no form of government;
it is in the heart of the free man.
He takes it with him everywhere.
The vile man takes his servitude everywhere.

Jean-Jacques Rousseau

Men make an arbitrary code, and because it is not right,
they try to make it prevail by might.
The moral law does not want any champion.
Its asserters do not go to war.
It was never infringed with impunity.

The law will never make men free;
it is men who have got to make the law free.
They are the lovers of law and order,
who observe the law when the government breaks it.

Henry David Thoreau

Obeded as sovereign by thy subjects be,
But know that I alone am king of me.
I am as free as Nature first made man,
Ere the base laws of servitude began,
When wild in woods the noble savage ran.

John Dryden

You may kill me but you will never conquer me,
and taking my life today will cost you a hundred lives,
and this debt, my friends, will pay in a short time.

*James Vaughan, Confederate Partisan
Ranger (Missouri), US Civil War*

Preface

Introduction

The present work is not a scientific treatise of natural law and democracy, nor was it ever intended to be. Scientific works that fully cover the subjects of this essay can be found in abundance elsewhere (see “References”). This essay was actually written with the aim to inform the general public in simple terms with as little legal jargon as possible of the benefits of what is not only the oldest justice system in the world, but also the only system that has the power to safeguard individual freedom and to mete out true justice in the individual case, namely natural law.

The legal systems of all of today’s states are based on positive (man-made) law, which law is the result of the political will alone. That political will is currently defined by the socialist doctrine, and since it is in the nature of the socialist to impose at all cost something on the people that the people do not want, one will search the socialist menu in vain for Freedom and Justice; on that menu one will only find oppression and the law. In these dire times of socialist dictatorships, the people are confronted with endless restrictions, or even a complete loss of their natural rights and freedoms, as a result of an increasing tendency of the governments to become dictatorial in character. Showing contempt for, and utterly ignoring the natural rights has become normal for those governments, and they now regard the citizens simply as playthings, and treat them accordingly.

Arbitrary Restrictions of the Natural Rights

Through the ever increasing power of national states and the emergence of totalitarian superstates and dictatorial international organisations, people are increasingly exposed to arbitrary limitations of their rights and freedoms by tyrannical national, regional (European Union¹) and international state governments (United Nations²) without any scruples. The result is that the citizens more and more become the property of governments and the prisoners of “The System”.

Contempt for the natural rights and freedoms is commonly associated with banana republics, so people are usually quite shocked to hear that the situation in the so-called civilised West is no different. Many European states are notorious for their violation of the natural rights, and currently they find justification for this in the EUSSR and US laws intended to curtail the activities of terrorists. Since the terrorist attacks on various American and European cities³, the Western governments have gone utterly hysterical with respect to the threat of terrorism, and in many so-called democratic states any person can now be arrested without warrant and held without charge on the slightest suspicion, real or imaginary, of being a terrorist. When the US government decided that every person who desires to enter the USA must have his electronic fingerprint and photograph taken, they in fact criminalised every individual in the world. The USA and most (if not all) other Western states are definitely no free states anymore, but either true totalitarian police states or in the progress of becoming one.

Individuals who suspect that their natural rights have been violated can of course take their case to (a civil rights) court, but the result will be quite disappointing. Apart from their general incompe-

¹ Popularly known as the EUSSR: the European Union of Soviet Socialist States. Capital: Brussels.

² Common called the United Nazis. Capital: New York City.

³ New York City and Washington (11 September 2001), Madrid (11 March 2004), and London (7 July 2005).

tence, judges are just civil servants and for that reason neither independent nor impartial. Being employed by their governments, they will always make sure that their ruling is not too much at variance with the view or will of Big Brother, so as not to harm their careers. Besides, citizens usually do not have enough money and time to successfully fight governments (and big companies and powerful individuals). But the biggest obstacle perhaps is, that dictatorial regimes do not recognise any natural rights. The socialist regimes recognise only human rights, which they have created themselves for themselves (and which they can therefore manipulate at will and for expediency), with the aim to force the citizens through laws to live their lives in accordance with the socialist views.

The War for Freedom and against Political Crime

We are today again, and again against our will, involved in a war against all those institutions, organisations, groups and private individuals, whose objective is the enslavement of the individual by preventing him from exercising his natural rights.

This war is a **war for freedom**, for our freedom (*the state of exemption from the control or power of another*), our most precious possession and often paid for in blood, is again under attack and in a number of cases already destroyed.

This war is also a **war against crime**, for those who (attempt to) hinder the people in exercising their natural rights and freedoms are criminals of the worst kind.

These criminals (the politicians, their loyal servants and supporters) find their greatest pleasure in oppressing the people and in keeping them under their control through immoral man-made laws. To achieve their goal and to satisfy their primitive and sick lust for power and control without annoying interruptions, they have created dictatorships, and even fully-fledged totalitarian police states, for themselves. The national and 'international' socialist governments and their associates constitute an important part of organised crime; they are actually the most powerful and dangerous criminal, even terrorist, organisations that now operate on both national and international levels, and as a result pose a huge threat to the rights and freedoms of the individual.

In this war, natural law is a mighty weapon in the hands of the fighters for, and the defenders of freedom. The outcome of the war that is now being waged determines whether in the future we shall live as free people or as slaves. And after the war is over and won, when the socialist monster has beaten the dust and civilisation has once again returned to our parts, the natural rights of every individual will be protected and maintained by that very same natural law.

The war is won as soon as the people realise that they are free at the very moment they wish to be,⁴ and decide to live and to enjoy their lives in full freedom again, no longer allowing busy-body politicians, human rights goons, PC idiots⁵, junk scientists, health freaks and other like creatures, to rule and govern their lives. This war **must** be won, for there is no doubt that if the attacks on our natural rights and freedoms by the governments and other malicious institutions, organisations and individuals are allowed to continue, we shall soon have only one 'natural' right left, and that is:

The right not to be killed if we shut up and do as we are told!

⁴ Voltaire.

⁵ PC: Political Correctness. See subsection 1.1.2. (Human Rights; heading: 'Human rights are oppressive rights').

Dedication

This work is my contribution to a normalization of society and intended as a wake-up call and a call to arms. I therefore dedicate this essay to all those good people and peoples, who in the past fought, in the present fight, and shall in the future be forced to fight for justice, and for their freedom and independence from dictatorial governments.

Firmly convinced as I am that nothing on this earth is worth purchase at the price of human blood, and that there is no more liberty anywhere than in the heart of the just man, I feel, however, that it is natural for people of courage, who were born free, to prefer an honourable death to dull servitude.

Jean-Jacques Rousseau

Robert de Limburgh
15 September 2005

1. Two Systems of Law

1.1. Positive Law and Human Rights

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1.1. Positive Law and Human Rights

1.1.1. Positive Law

The adjective *positive* in ‘positive law’ must not be understood in the common sense of *good* (as in: a positive result), but as ‘*man-made*’. Positive law is, like natural law⁶, rooted in ancient Greece (Sophists), but only got its chance to thrive from the 16th century onward. The English legist John Austin (1790-1859) defined positive law⁷ as:

A rule laid down for the guidance of an intelligent being by an intelligent being having power over him.

Since the ‘intelligent being having power’ is actually the state (the regulatory association of a nation), positive law can be defined as *law created by man through the state*. The modern state is a dictatorship that manifests herself as either an autocracy (one person rules), an oligarchy (a group of persons rule), or a partocracy (a group of political parties rule). Since politicians are known to possess cunning only, the second word ‘intelligent’ in the definition is quite misplaced.

Positive law evolved out of legal positivism, which itself is rooted in the philosophical school of positivism. This school wrongly assumes that man is capable of shaping society after his own ideas and views because “he is master of (physical) nature and creator of his own concepts” (in case of the legal variant: his own concepts of justice). The positivist ideology denies the existence of higher, absolute norms, states that only the human will is determinant, and that man (therefore) enjoys absolute freedom.⁸ As a result, legal positivism accepts, even stresses, the separation of law and morality, and denies any link between the two. But this denial of higher norms causes chaos, for man can will anything. His will is limitless, but the will that lacks any moral basis inevitably leads to excesses (injustices and immoral laws, and often worse).

Positive law is not a universal legal system, but every state has her own legal system, and consequently laws vary from time to time and from place to place according to the whim of the legislator. Under positive law, law and justice are not the same thing, because this primitive type of law is the result of the will alone of paternalistic, tyrannical politicians (‘my will is the law’), whose arrogance leads them to think that they can shape a society after their own personal, often utopian ideas. This view is favoured by especially the socialists, for it allows them (so they imagine) to regulate society through numerous laws, which more often than not are illegitimate (and thus not valid).

Positive law is artificial law that denies the natural order that natural law does recognise. From this denial of the natural order necessarily follows that positive law also denies natural persons (i.e. human beings). Positive law is man-made and coercive law, created at will by imitating the methods used in physics, and interpreted in any way that fits the (personal) needs (of the government), but that leaves no freedom to the individual. Since this artificial law only applies to an artificial order and to the artificial persons that form that order, human beings are regarded as objects of law rather than as subjects of law. This implies the denial that the individual is the independent bearer of rights

⁶ See section 1.2. (Natural Law and Natural Rights) and subsequent sections.

⁷ The term ‘positive law’ was first used by Thomas Hobbes in ‘Leviathan’ (1651).

⁸ The concept of legal positivism states that, since no one can know what is just, the resolution of such questions will be left to the political process, including the judgments of the highest court.

and duties. This explains why positive law shows no respect at all for the individual (which is typical of positivism in general), but rather regards him as an interfering factor and an annoying cog in the wheel. Frank van Dun remarks:

Positive law is not the natural order of the human world. It is the artificial order that some powerful people (individuals and groups) in a particular society currently try to impose on others. It is an order, not of relations among human persons as such, but of relations among social positions, roles and functions. Thus the positive law of a particular country tells us what powers, immunities, rights, duties, claims and liabilities legally attach to the social positions, roles and functions of a general, a minister, a representative of the people, a citizen, a registered alien, a pensioner, a police man, and so on. In the same way, the rules of chess tell us what a king, queen, knight, pawn or other piece is or can or cannot do.

Positive law, then, pertains primarily to ‘artificial persons’, to social positions, roles and functions within a particular social organization, especially one that is imposed by a state or a group of states. It pertains to human beings only indirectly, to the extent that they are supposed to supply the physical and intellectual labor that those positions require. In other words, it pertains to human beings as means or resources for organizing social activity.

It follows that positive law has no logical or necessary connection with human life and action. The concept of ‘positive law’, as noted before, is the concept of an artificial order – an order of artificial persons.⁹

Plato already warned that ‘one of the penalties for refusing to participate in politics is that you end up being governed by your inferiors’. How right he was, but because the people have forgotten to heed this warning, power-mad politicians (with the support of a considerable army of junk scientists, whose wrong advice they so eagerly accept as right¹⁰), have been able to seize their chance and make sure, to their own benefit, that the inhumane positive law now rules the world.

John Austin, by the way, did acknowledge that God (=Nature) and men both make laws, but he distinguishes between the laws of God (based on reason) and those of human societies made by political superiors (based on the human will). This resembles the philosophy which natural law is based on, but with this difference, that natural law does not recognise any ‘political superiors’ and the fact that laws under natural law must have the moral basis that is determinant for her validity, a basis that positive law lacks and does not require.

1.1.2. Human Rights

The so-called human rights were created by the socialists of the United Nations to serve as an instrument in their ambition to shape, regulate and control world society in accordance with their own socialist (or better: communist) ideas and insights. In contrast to what the UN wants the people to believe, the aim of the human rights is not the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [which] is the foundation of freedom, ju-

⁹ Prof. Dr. Frank van Dun: *Natural Law and Natural Rights*

¹⁰ Junk science is “the deliberate misinterpretation of scientific data, or faulty organised data from science, especially such misinterpretation or such faulty data that is intended to befuddle jurists or lawmakers with little or no scientific background and used to promote an ideology and/or to increase finances”.

stice and peace in the world”¹¹, but they constitute an important and essential part of the UN package aimed at seizing global control. There is no doubt that the UN is an extremely dangerous hoax and a huge threat to our freedoms, but one that can only maintain itself through indoctrination; that is, by repeating the same impertinent lies so often that even intelligent people start believing them. The whole UN policy is based on deceit; their real goal, global control, is carefully cloaked, though the truth is slowly emerging.

The many NGOs¹² and their field-workers who work on the implementation of the human rights and see to the observance thereof, are, without doubt, upright and true in their intentions. But the UN, their own organisation, keeps them, too, in the dark about her true objectives, and has through continuous brainwashing fooled them into believing that she is beneficial and that the human rights are the right path to justice. But those field-workers, lulled fast asleep by the fairy tales of the UN, do not see that the socialists, following their strategic plan to gain global control, employ the human rights to undermine free societies and use political correctness to choke them to death. Should they however have their doubts, and blatantly dare question the UN agenda, then they will immediately see themselves stand accused of disloyalty and be severely reprimanded or worse, are faced with expulsion.¹³

Human rights are a peculiar type of positive law

The human rights are actually a deliberate man-mutilated form of the natural rights on which they were originally based. But this mutilation, necessary to serve the UN’s goal and based on their own outlandish idea of morality, has resulted in their causing more evil than good. To serve their political masters, the drafters of the human rights have moreover expanded the original set of human rights with numerous new rights, the majority of which are often not only unnecessary rights, but even no rights at all (this “creative” process continues to this day)¹⁴. Mark Cooray observes:

Human Rights is a much used and abused term today. They have been used to defend freedom as well as to destroy it. People tend to attach importance to particular human rights according to ideology and political convenience. New privileges have been created and elevated to the status of human rights in order to entrench particular political and economic systems.¹⁵

The fact that new human rights can be created at will and for expediency, sufficiently proves that these rights, despite being based on the natural rights, are no more than a peculiar type of positive (and therefore oppressive) law: they are artificial rights that apply to artificial people in an artificial order.

The human rights divided in individual rights (supposed to protect the individual) and collective rights (supposed to protect a group of people), are defined as *positive* rights (rights to): rights that the state is obligated to protect and provide.¹⁶ The majority of the human rights are also known as

¹¹ Stated in the Preamble to the UN Universal Declaration of Human Rights (1948).

¹² NGO: Non-Governmental Organisation, an aid organization that is independent from the government. Their number currently runs into many thousands, and some even speak of millions worldwide (See <<http://www.ngos.net/ngos/>>).

¹³ Berit Kjos, *The U.N. Plan for Global Control: The Habitat II Agenda*.

¹⁴ Remember that positive law can be made at will and pleasure alone. See subsection 1.1.1. (Positive Law).

¹⁵ Prof. Dr. L.J. M. Cooray, *Human Rights In Australia* (1985).

¹⁶ Positive rights must not be confused with positive law. Natural rights are negative rights: rights to be free from.

welfare rights:

Welfare rights are legal (and thus *artificial*) rights, based on legal entitlement, to the provision of some perceived good, presumably by the state and hence necessarily at the expense of persons other than the entitled beneficiaries.¹⁷

This definition has produced the so-called economical and social rights, which in turn have given rise to the current huge, obscure and out-of-control systems of social security and social control. The introduction of the said 'rights' has caused a serious loss of individual freedom through an unacceptable increase of government interference with, and control of the citizens, and they have therefore to a high degree contributed to the coming into being of the modern interventionist state:

Before the advent of state-idolatry, of which legal positivism is but one expression, jurists generally held that a society's legal system should consist in part of rules of natural law and should not contain any element that is logically incompatible with or effectively disruptive of the natural law. By dropping the natural law requirements and replacing them with the material element of politically organised rule-enforcement, positivism has spawned a conception of legal systems that lacks any finality. The rationale of a legal system no longer is to maintain, strengthen or restore respect for the natural law within the confines of a particular society. It is to maintain, strengthen or restore the social order of a society, that is to say, to make a society an effective tool for realising the goals set for it by its ruling parts – whatever those goals may be and whoever may set them. 'Law', as positivists define it, basically is a technology of social control.¹⁸

The economist Friedrich von Hayek stated that,

There is no reason why in a free society government should not assure to all, protection against severe deprivation in the form of an assured minimum income, or a floor below which nobody need descend. To enter into such an insurance against extreme misfortune may well be in the interest of all; or it may be felt to be a clear moral duty of all to assist, within the organised community, those who cannot help themselves. So long as such a uniform minimum income is provided outside the market to all those who, for any reason, are unable to earn in the market an adequate maintenance, this need not lead to a restriction of freedom, or conflict with the Rule of Law.¹⁹

On which Mark Cooray rightly comments:

Hayek draws the important distinction between measures that interfere with individual liberties and those that do not. What has happened in the modern state is that the community's responsibility to take care of those who cannot care for themselves has been transformed into politically (if not legally) enforceable rights of each person to a share of the social wealth, irrespective of individual responsibility. In other words new rights have been created, which by their nature can be realised only at the expense of individual liberty. It is the recognition of this type of right that threatens the existence of the basic human rights. The

¹⁷ See subsection 1.2.2. (Natural Rights) for a corresponding definition of their counterparts, the option rights (natural rights).

¹⁸ Prof. Dr. Frank van Dun, *The Pure Theory of Natural Law*, Part 1.

¹⁹ F.A. Hayek: *Law, Legislation and Liberty* (1982).

new “rights” focus on equality as a value and are not necessarily related to the needs of the genuinely underprivileged and disabled. Welfare for all (whether economically deserving or not) as distinct from welfare for the genuinely needy has other counterproductive consequences.²⁰

Cooray points to the fact that the human rights through their unlimited expansion are destroying themselves, which is just as well. He moreover points to an inherent flaw in the socialist state, namely: everybody has rights, but nobody has duties. But, when nobody has duties, nobody can be free! It is obvious that this flaw is a deliberate flaw, since it provides the nanny state with a concocted reason and sneaky method to gain full control over the individual, in this way: the state does not take away a person’s freedom (by forbidding him to do something), but instead takes away his responsibility (by compelling him to do something) and through that automatically robs him indirectly of his freedom. After all, there can be no freedom without responsibility (and vice versa).²¹

If you think of yourselves as helpless and ineffectual, it is certain that you will create a despotic government to be your master. The wise despot, therefore, maintains among his subjects a popular sense that they are helpless and ineffectual. (*Frank Herbert*)

The economical and social rights are actually no rights at all (let alone inalienable ones). They are in fact ‘needs turned into rights’, that can moreover never be enforced (through the judge). What are here called rights should, perhaps, be government policy and may therefore not, or no longer, be recognised as rights. Besides, the civil rights do not go together with the economical and social rights:

(People) could not be allowed to use their knowledge for their own purposes, but would have to carry out the plan which rulers have designed to meet the needs to be satisfied. From this it follows that the old civil rights and the new social and economic rights cannot be achieved at the same time but are in fact incompatible; the new rights cannot be enforced by law without at the same time destroying that liberal order at which the old rights aim.²²

The conclusion is right, and since freedom is far more important than social and economical security, the choice must be in favour of the former.

In the end more than they wanted freedom, they wanted security. When the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for was freedom from responsibility, then Athens ceased to be free. (*Edward Gibbon*)

Human rights are discriminatory rights

The human rights folly has also given birth to a curious type of discrimination known as positive

²⁰ Prof. Dr. L.J. M. Cooray, ‘*Human Rights In Australia*’ (1985).

²¹ For instance health insurance. A socialist state will generally not forbid the citizens to insure themselves privately, but instead she will compel them to insure themselves with the national (=state) health insurance (NHS). But through that, the citizens are yet, indirectly, deprived of their freedom (of choice), and the state alone can moreover determine how healthy, or unhealthy, a citizen may be. The phenomenon of national (or public) health, and a state organisation that controls that health, is typical of a socialist dictatorship. It is unknown in a free society that a democracy is, where there is only private health and where every citizen himself determines how healthy or unhealthy he is or wants to live his life.

²² F.A. Hayek, ‘*Law, Legislation and Liberty*’ (1982).

discrimination. This term refers to

Measures that specifically favour a particular category of people in order to make up for their consistent under-representation in society, such as ethnic minorities and special groups (e.g., women, disabled people), usually applied in relation to employment but also in public office and other positions of representation.

Nicely put, but the fact remains that positive discrimination is both an unjustified form of discrimination and an unjustified intervention in the private business of individuals and companies. Positive discrimination is moreover counterproductive, for it makes some (groups of) people more equal than others, which is unjust and the cause of much unnecessary trouble, envy and tensions.

An example of an unacceptable measure taken by many busy-body governments at the UN's instigation is to compel private companies to employ members of special groups and minorities. Apart from the fact that no government has any right to intervene in the private business of companies, the result of the said intervention is that companies have become increasingly less eager to indeed employ such people, but rather prefer to leave a job vacant; if this is not possible, then they see themselves compelled to place a less(er) competent, or even wholly unsuited person in a vacant position.²³ This measure has clearly backfired and turned all parties into losers: the company suffers because the employee cannot do his job according to the required standards, and the employee suffers because he is not up to the job, which often results in frequent sick leave (which again affects the company). It is therefore best to ignore any such stupid government rules, and instead follow the golden rule of 'the right man in the right position'. And if that man happens to be e.g. a woman, that is all right, but nobody can be compelled to employ a person he, for whatever reason, does not want to employ.²⁴

Positive discrimination is an illegitimate and unjustified form of discrimination²⁵ and a fine example of the destructive influence of the human rights (and positive law in general) on society. This is well known by those who apply (or condone) it, but they argue that these measures "are not taken simply to prefer special groups but rather to ensure full equality in practice in a more effective manner". This is typical socialist humbug, for positive discrimination is not only another assault on the freedoms of the individual, it is also another grand failure of the human rights system.

Natural law does not know such a vicious thing as positive discrimination, but instead protects minorities, and secures their equal treatment, by simply denying their existence as minorities. In a democracy, always based on natural law, minorities do not exist. What does exist in a democracy is individual freedom, and where there is freedom, there is no need nor no reason for discrimination of any kind. In Ayn Rand's words: "The smallest minority on earth is the individual. Those who deny individual (natural) rights cannot claim to be defenders of minorities."

²³ A recent (2004) example of this interventionist socialist policy is the order of the Dutch Minister of Defence, that by 2007 the Dutch army must have installed a female general. 'Must' means regardless whether any of the female officers currently serving in the Dutch army is indeed suited for this rank. This is not only ludicrous, but given the nature and duties of an army general, also highly dangerous, for an incompetent general can cause many casualties and fatalities, and can even lose a war. One of the female officers has meanwhile (2005), under government pressure, been promoted to general.

²⁴ In general terms: Everyone has the right to freedom of association, but no one can be compelled to associate himself with whomever he for whatever reason does not want to associate himself with.

²⁵ Note that there are most certainly cases in which discrimination can be legitimate and justified.

Human rights are oppressive rights

Since the human rights are rooted in legal positivism, they possess the same negative characteristics as positive law itself: they are of an oppressive nature, and illegitimately and arbitrarily restrict the rights and freedoms of the individual, rather than protecting and maintaining them. There is no doubt that human rights can create an artificial socialist state, but they lack the freedom that is essential for a natural social-minded nation.²⁶ This restrictive and detrimental character of the human rights has made them highly unpopular and counterproductive. To quote Mark Cooray again:

There is hardly a political leader who does not appeal to some human right to justify oppression. In all but a handful of democratic societies, human rights have become political slogans devoid of substance. In democratic societies, where governments are restrained from excesses by law and public opinion, the gravest threat to human rights arises from their increasing misinterpretation and misapplication.²⁷

The fact that human rights are man-made rights makes them vulnerable and puts them at the mercy of national governments. To make these rights acceptable to governments,²⁸ the treaties in which they are set down are the result of compromises that express themselves in the great many restrictions the treaties contain.²⁹ These restrictions render the treaties quite ineffective, for they offer governments a legal basis to limit, or even abolish, any human right and freedom “if there is sufficient and appropriate legal basis defined” (e.g. public interest, national security, public order, ‘in the interest of democratic society’³⁰). That possibility to legally limit human rights is currently indeed on a large scale employed by many governments, ostensibly to enable them to fight terrorism and prevent terrorist attacks, but the real reason is without doubt their insatiable lust for power and control of society and of the individual (Big Brother).³¹

But even if the restrictions do not provide a legal basis to limit rights, then governments still find other ways to limit any right or freedom that happens not to suit them.³² A typical example of how dictators can put an inconvenient right out of action, without abolishing that right *de jure*, is the interpretation of Article 11 of the Charter of Fundamental Rights of the European Union. The article states that ‘Everyone has the right to freedom of expression’, but in practice one appears to have that right only if one expresses oneself in a *politically correct* manner. And what is politically correct, is, in this case, determined by the EUSSR in Brussels, either directly or through the puppet governments of her member states.

Political correctness, defined as:

A sophisticated and dangerous form of censorship and oppression, imposed upon the citizenry with the ultimate goal of manipulating, brainwashing and destroying society,

²⁶ A freedom that natural law does provide.

²⁷ Prof. Dr. L.J. M. Cooray, *‘Human Rights In Australia’* (1985).

²⁸ These rights after all deprive a government of much of her power.

²⁹ Which again is typical proof of the legal positivist and thus relative character of the human rights.

³⁰ This latter reason is utter nonsense, as will be shown further down, for there exist no democracies. Most states are dictatorships in form of a participatory, while others are either autocracies or oligarchies. But the politicians trick the people into believing that they are living in a democracy.

³¹ It are those governments themselves that have provoked terrorism, which they do not admit. But, the so-called war on terror is actually a kind a gang war between rival terrorist groups, the governments being one the parties.

³² Politicians, though lacking intelligence, can at times be as cunning as a fox!

is directly deduced from the human rights themselves:

A synonym for *right* is *entitlement*. This means a person is entitled to certain things. Another meaning of the word 'right' is 'correct' or 'proper'. When we talk about human rights, it entails these issues of entitlement and correctness, but much more is involved.³³

The socialist regimes have restricted, or even de facto abolished, that most important natural right to freedom of expression (which is the power to speak without externally imposed restraints), and turned the citizens into no more than remote-controlled, programmable, multifunctional robots with no opinion of their own, which shows the Orwellian character of the human rights. Philip Atkinson observes that:

Political Correctness (PC) is the communal tyranny that erupted in the 1980s. It was a spontaneous declaration that particular ideas, expressions and behaviour, which were then legal, should be forbidden by law, and people who transgressed should be punished. It started with a few voices but grew in popularity until it became unwritten and written law within the community. With those who were publicly declared as being not politically correct becoming the object of persecution by the mob, if not prosecution by the state. [...] The declared rationale of this tyranny is to prevent people being offended; to compel everyone to avoid using words or behaviour that may upset homosexuals, women, non-whites, the crippled, the mentally impaired, the fat or the ugly. This reveals not only its absurdity but its inspiration. [...] By using the excuse of not upsetting anyone, the politically correct are demanding that people behave like the fool who would please everyone; that everyone must become such a fool! All must accept the notions of the Politically Correct as truth, or else! This is the same mentality that inspired the Inquisition and forced Galileo to recant; the same mentality that inspired the Nazis and obtained the Holocaust. Once expression gets placed in a straitjacket of official truth, then the madness that occurs in all totalitarian states is obtained. Life, in private and public, becomes a meaningless charade where delusion thrives and terror rules.³⁴

Political correctness chokes every free society and her citizens, but every individual is by nature entitled to an unrestricted freedom of expression, either through speech or otherwise, which, if curbed, would not be real freedom. There are people who are so blinded by the 'light' of socialism that they are unable to see that the right to freedom of expression serves several important social functions, such as:

- educational function (*to advance knowledge and potential for self-fulfilment*)
- safety valve function (*to speak openly without fear of government reprisal*)³⁵
- truth-seeking function (*to determine truth through debate and adversity*)
- social obligation function (*to learn what is important to say*)

³³ Douglas Long, *'Human Rights in our World'* (1997).

³⁴ Philip Atkinson, *'A Theory of Civilization'* (2000).

³⁵ More importantly: If people cannot say what they want, they might build bombs instead.

Mark Cooray remarks:

[...], the freedom of speech is the single most important political right of citizens, although private property is required for its operation. Without free speech no political action is possible and no resistance to injustice and oppression is possible. Without free speech elections would have no meaning at all. Policies of contestants become known to the public and become responsive to public opinion only by virtue of free speech. Between elections the freely expressed opinions of citizens help restrain oppressive rule. Without this freedom it is futile to expect political freedom or consequently economic freedom. The sine qua non of a democratic society is the freedom of speech.³⁶

Freedom of expression is without doubt the essence of a democracy. It is therefore indeed a very sad fact that governments, human rights organisations, the media and certain politically correct individuals become utterly hysterical when they suspect that the outspoken views of a citizen (or of a group of citizens) are utterances of, or might incite to discrimination, racism and/or xenophobia.³⁷ Such suspicion is however more often than not the result of an uncontrolled emotional outburst of frustration, and the denial that in certain cases discrimination can be fully justified.³⁸

Freedom of speech includes the freedom of those who say things that some people do not agree with at all (or even hate), hurtful things that upset people. Voltaire had understood this, witness his immortal words: “*I disapprove of what you say, but I will defend to the death your right to say it.*” So had George Orwell: “*If liberty means anything at all, it means the right to tell people what they do not want to hear.*” In this context, Philip Atkinson, too, emphasises the need for freedom of expression:

Anxieties and suspicions inevitably occur in communities and these give rise to accumulating resentment until they are expressed by word or deed. Announcing sentiments that mount a verbal attack upon the source of such concerns releases the tension for both the speaker and a sympathetic audience. This may upset some but it is much better that feminists are lampooned rather than lynched or that Jews be the subject of jokes rather than pogroms.³⁹

and then warns for the dire consequences of unnecessary (read: illegitimate) censorship:

The inevitable result of unnecessary censorship is a build up of silent resentment. The quickest way to force someone who talks into someone who acts, is to compel silence upon a subject that worries them; then, like steam in a pressure cooker, it is merely a matter of time before their suppressed anxieties erupt into action. The inevitable consequence of legislation that forbids any spoken, or written, expression of hatred, must be violence. By forbidding the expression of *racial hatred* the law is promoting *racial violence*. So the first persons who should be prosecuted under such laws are the people who enacted the laws, as they are committing the very crime the laws proscribe, inciting racial violence. Which

³⁶ Prof. Dr. L.J. M. Cooray, ‘*Human Rights In Australia*’ (1985).

³⁷ (Alleged) acts of discrimination, racism, xenophobia, etc. are no crimes at all. They are actually conflicts between civil parties, which implies that civil judge is competent, and not the criminal judge. The State has no right to poke her nose in any such cases.

³⁸ For good order it must be emphasised here, that in the western socialist infested states only whites can render themselves guilty of discrimination, etc., which itself appears to be a legal form of discrimination. Huh?

³⁹ Prof. Dr. L.J. M. Cooray, ‘*Human Rights In Australia*’ (1985).

means the laws are absurd.⁴⁰

Spinoza shared the same view, and he regarded laws against free speech as subversive of all law, for “men will not long respect laws which they may not criticise”:

The more a government strives to curtail freedom of speech, the more obstinately is it resisted; not indeed by the avaricious, ... but by those whom good education, sound morality, and virtue have rendered more free. Men in general are so constituted that there is nothing they will endure with so little patience as that views which they believe to be true should be counted crimes against the laws. ... Under such circumstances they do not think it disgraceful, but most honourable, to hold the laws in abhorrence, and to refrain from no action against the government.⁴¹

All right-minded people will agree with Atkinson and Spinoza, but unfortunately the (socialist) politicians have through fatal lack of intelligence not understood what the problem is about, with the result that many innocent people now fall victim to that “progressive” policy of inciting racial and other violence. Indeed, for the sake of freedom, justice and peace the people should rid themselves of the good-for-nothing politicians, by breaking the socialist backbone once and for all through the establishment of a democracy, where the primitive species of ‘politician’ is unknown. People in de democracy (a free society) are well aware of the importance of the freedom of expression, and they know full well that it is politically incorrect to be politically correct. Theat precious freedom to speak one’s mind without fear of prosecution is the most important pillar on which a democracy rests⁴², and it prevents a lot of human misery and even saves lives.

Nobody, governments included, has any right to curb that all-important right to freedom of expression in any way⁴³, and the decision whether the exercise of this freedom has in the individual case been abusive is at the discretion of the civil judge alone.⁴⁴ Unfortunately governments and many, especially left-wing, judges and public prosecutors have embraced those bogus human rights and blindly adapted the PC doctrine, or have through their own stupidity fallen into the socialist trap. Under their tyranny, a citizen who is suspected of having abused his right to freedom of speech (read: has not behaved politically correct, as dictated by the state) is immediately stigmatised, criminalised, charged, prosecuted and sentenced by a judge who is anything but independent and impartial.

Under a government which imprisons any unjustly, the true place for a just man is also a prison. (*Henry David Thoreau*)

If that citizen is lucky, that is, for if not, then after he has been stigmatised and criminalised, he is demonised and finally neutralised (killed). And that for the single reason that he exercised his natural right to freedom of speech, and under that right expressed his own personal views, no more, no less. This is utterly absurd, and Cooray is beyond doubt right when he states that all those politicians

⁴⁰ Philip Atkinson, ‘*A Study of the Decline of Western Civilization*’ (2000).

⁴¹ Benedict Spinoza, ‘*A Theologico-Political Treatise*’ (1670)

⁴² Simply said: the pillar of free expression is the supporting pillar of the democratic house; if it is removed, that house immediately collapses.

⁴³ Compare the First Amendment of the US Bill of Rights: “Congress shall make no law [...] abridging freedom of speech [...]”.

⁴⁴ See footnote 37.

who made laws that restrict or even ban freedom of expression should be charged with violation of a citizen's natural rights⁴⁵ (and by order of the judge removed from society).

Human Rights Treaties

Given the universal character of the human rights (they are supposed to apply to all people), one would expect a single treaty that contains all those rights and that is valid for the whole world, but reality is different. There exists not only a myriad of human rights (to which new ones are added almost on a daily basis), there also exists a myriad of human rights treaties, each one of them claiming to be universal. Apparently every region in the world requires her own human rights declaration, probably for the sole reason of keeping up appearances.

It has already been pointed out that the human rights treaties contain restrictions that allow national governments to suspend rights, which may even lead to their de facto abolition. Those treaties furthermore deny the critical distinction between primary and secondary rights, and have lumped all (real and invented) primary and many secondary rights⁴⁶ together. This has produced a great number of unwieldy and unworkable documents, filled to the rim with subjective, fake and impracticable 'rights', which is typical of the positivist chaos, arbitrariness and amateurism.

All human rights treaties were drafted by dictatorial organisations and put into force by ditto governments without the consent or assent of the citizens (although their lives are directly affected by those treaties), which renders those treaties invalid. No person is therefore obliged to observe any of the human rights (except those that happen to correspond with any of the natural rights). To this must added that the human rights themselves are actually only taken seriously by some politicians, certain academics and by the so-called human rights organisations, and that an increasing majority of the people experiences these subjective and relative norms as not natural, and often as unjust.

The consequence of this is that the observance of the human rights and the treaties in which they are laid down must permanently be enforced through sanctions, and that has made those rights to what they are today: *instruments for the oppression of the individual*. However, enforcing the observance of the invalid human rights and treaties not only produces a wrongful act, against which every citizen has the (natural) right to resist,⁴⁷ but also leads to anti-social behaviour. For, the more unfree Man is (the more he is forced to do, or not to do, something), the more unhappy and more anti-social he becomes; on the other hand, the more free man is, the more happy he becomes and the more social his attitude towards his fellow man will become.

Human Rights Organisations

The human rights and the treaties in which they are laid down are failures because governments, for reasons of expediency and convenience, can legally refuse to observe any of them. The many human rights organisations and movements, those self-proclaimed watchdogs of the human rights, who pretend to counterbalance every move by the governments to undermine the human rights, are glorious failures as well.

⁴⁵ This applies to those politicians' lapdogs as well: the judges, the prosecutors, and other civil servants.

⁴⁶ See subsection 1.2.2. (Natural Rights).

⁴⁷ See section 1.2.3. (Natural Right to Resistance).

These organisations (actually common pressure groups) are hardly ever impartial, but they have a strong tendency to portray and report disasters and abuses in a subjective manner, providing the people with false information and an exaggerated description of a situation or circumstance, with the sole aim to mobilise public opinion against governments that, in their view, are unwilling or reluctant to cooperate with them. They besides play on people's emotions and their conscience in an attempt to make them donate as much money as possible. This is deceit, but depending on the instruments they use to influence the public, their acting might even be regarded as a form of blackmailing.

It is also common for human rights organisations to take a biased stance in favour of the left side of the political spectrum: political left (even extreme left) is always good and right, political right (even moderate right) is always bad and wrong (this is further proof that the human rights are based on an ideology and that they have nothing to do with justice). They apply this simple-minded, one-sided stance also to people in strong and weak (legal, social, financial, economical) positions: the rich and strong are always wrong, while the poor and weak are always right. However, the mere fact that one is an 'underdog' does not provide one with the right to be right! The human rights organisations have not done themselves a favour with this polarising attitude; on the contrary, it has seriously undermined their credibility.

It is ironical, that the offenders (governments) and the defenders (human rights organisations) are actually rivals who share the same objective, namely oppression of the individual, and who compete with each other for the absolute power and control over that individual. It is therefore not at all surprising that the very people who are supposed to be protected by the human rights, are often actually their victims!

Conclusion

Human rights were once taken seriously, but they slowly became a business that rapidly evolved into a fully-fledged million-dollar human rights industry, more aimed at providing renegade lawyers with yet a chance for a splendid career at the costs of others than at achieving justice. Meanwhile, through the folly of those lawyers, the NGOs and others involved, that industry has become a real human rights circus with bad clowns, that are not funny at all, but downright ridiculous and boring.

Since the human rights belong to positive law they cannot be anything else but oppressive rights, that are typical of a dictatorship. These artificial rights are therefore unknown in a democracy, for in a democracy the people freely exercise their natural rights under (the protection of) natural law. In a democracy there is neither need nor room for human rights and human rights organisations, and those who insist on the implementation of the human rights can only have the establishment of a dictatorship, or the maintenance of an existing one, in mind. This is in full agreement with the goal of the socialists and their umbrella organisation, the UN, namely: the establishment of a global totalitarian police state.⁴⁸

The human rights were never intended to protect the rights and freedoms of the people and peoples, but they have from the start constituted an important part of the cloak and dagger operation of the UN aimed at gaining control over the world. Human rights were created to throw dust into peo-

⁴⁸ In this context it is fully understandable that the freedom of expression must be curbed, if not de facto, then de jure. Using political correctness to achieve this is the favourite tool of both the UN and the EUSSR. It leaves their human rights treaties intact and allows them to keep up appearances, while at the same time they continue their devilish practice of oppressing the individual.

ple's eyes, to cover up the true intentions of the UN. But the hidden UN agenda is slowly being unveiled, with the result that opposition against this dangerous and corrupt organisation is growing. At the same time the support for human rights is waning, because the people are slowly getting fed up with being commanded.

Human rights are a political idea, and political ideas come and go. The 80s saw a slow but steady rise in the popularity of the human rights, and they and their supporters became virtually untouchable. This resulted in the 90s in a true socialist dictatorship, that kept herself in the saddle with the help of political correctness, and that showed to which excesses the human rights and their supporters are capable: an increasing intrusion on the private lives of the citizens by the governments, the many illegitimate prosecutions on charges of discrimination etc., the rise of junk science and in its wake that of the tyrannical health industry etc. which is responsible for amongst others the smoking bans and other health related bans, all of which are however illegitimate.

The socialist ideology has yielded the socialist doctrine, and that in turn has generated a socialist State of Chaos and Injustice, where rights and freedoms are meaningless, where all values and norms have vanished, where clear social structures and relationships no longer exist, where perpetrators are victimised and victims are criminalised, where violence and poverty are generally accepted. Behold the benevolence and bliss of the socialist state!

There is yet hope. Jean-Jacques Rousseau (1712-1778) stated that nature accorded men freedom and society enslaved him, but Horace (65-8 BC) had already concluded that "You may drive out nature with a pitchfork, yet it will always return."⁴⁹ This decade (2000-2009) shall witness the definitive fall of socialism and of the human rights, together with their supporters and the institutions they have created for themselves. At the same time natural law will re-emerge, which will soon thereafter once again lead to a normalisation and the liberation of society (and of the world).

⁴⁹ Horace (Quintus Horatius Flaccus), '*Naturam expellas furca, tamen usque recurret*', Epistles I, x, 24.

1.2. Natural Law and Natural Rights

1.2.1. Natural Law

Quite often, just legal solutions, based on the principles of natural law, are brought up by people who are no lawyers, let alone that they have ever heard about natural law. This proves over and over again what natural law philosophers and jurists have been shouting for more than 2500 years, namely that every human being has an inherent sense of what is good and bad, of justice and injustice, which implies a natural ability to know the higher norms. And that what is inherent is also experienced as natural, which explains why natural law is *by nature* the justice system that appeals to the people. Because natural law is neither a political idea nor the result of an ideology, people experience such objective decisions as natural and just (that is, in accordance with their inherent feeling for justice and righteousness), and decisions based on this law are therefore sooner accepted.

Natural law, natural justice, [is] the only standard by which any controversy whatever, between man and man, can be rightfully settled; being a principle whose protection every man demands for himself, whether he is willing to accord it to others, or not; being also an immutable principle, one that is always and everywhere the same, in all ages and nations; being self-evidently necessary in all times and places; being so entirely impartial and equitable towards all; so indispensable to the peace of mankind everywhere; so vital to the safety and welfare of every human being; being too, so easily learned, so generally known, and so easily maintained by such voluntary associations as all honest men can readily and rightfully form for that purpose.⁵⁰

Most people, when they hear the term ‘natural law’, immediately think of regulations concerning nature (like environmental laws). Not so, for natural law is:

A rule or body of rules of conduct based upon that instinctive sense of justice and of right and wrong, which is inherent in human nature and discoverable by reason alone, and essential to or binding upon human society, as distinguished from specifically revealed divine law, and formulated human (=positive) law.

Prof. Hendrik J. van Eikema Hommes defines natural law as the whole of the superpositive (=not brought about by the human will to make law), unchanging, universal and necessarily valid legal norms, which man can deduce a priori from (the) natural order, using natural reason.

Finally, according to Prof. Joseph Koterski, natural law is the idea that there is an objective moral order, grounded in our essential humanity, and which holds universal and permanent implications for the manner in which we should conduct ourselves as free and responsible human beings.

Natural law is a universal system of justice that exists independently of the positive law of a given political order because, in contrast to positive or man-made law, it is based on universally accepted moral principles. The word *natural* in ‘natural law’ does therefore not refer to physical nature (plants, animals, human beings), nor does it mean that this law is derived from the nature of man, but it refers to the objective, absolute validity of the standard for human acting, and the fact that natural law is inherent in human nature. Man has a natural ability to know or find (the contents of)

⁵⁰ Lysander Spooner, ‘*Natural Law*’ (1882).

those higher principles or criteria with the help of his power of reason; and this is why these natural principles are said to be self-evident.

One should also not confuse natural law with the law of nature. The *law of nature* is the law of the strongest, whereas *natural law* is concerned with the strongest right. In Plato's words: "What is right is not the same as the law of the strongest; justice is not equal to the wish of an accidental majority, on the contrary, what is just is based on objectively valid norms." Positive law, now, is a human attempt to emulate the law of nature, for its basic assumption is also the law of the strongest. And the strongest is commonly the state.

The objective knowledge of good and evil, present in every individual human being, is located in the conscience. That conscience is the point of contact between our physical world and the metaphysical world where the absolute and objective norms are located. By means of his power of reason, man can make direct contact with, or get admission to his conscience, and therefore to the objective norms. Every human being has a conscience, and although one may decide not to listen to one's conscience, the expression "he has no conscience" is internally contradictory, for not having a conscience means the denial of being human. The conscience can however only function well in case of a free mind. A free mind is a mind that is free of all external influences (including the political and religious); a mind that has neither been manipulated nor indoctrinated; a mind that is not disturbed; a mind that can choose in full freedom between the options it has at its disposal or which it is offered.

Natural law is the higher law or norm, which does not change with time and location and which is not the result of a command of a legislator⁵¹, but that law that transcends (stands above) the imperfect, dissatisfying and with time and location changing positive (man-made) law imposed by the legislator. Since natural law is given by 'nature', it applies to everybody and acts as the superpositive norm or material criterion for the validity of positive law. This shows that natural law does recognise the existence of man-made norms; only, those norms must be tuned to, or brought in accordance with, the higher norms in order to be legitimate. Man is not the maker of all the rules and procedures, and especially when making laws, man's will is and must be bound by a higher norm. This means that positive law (the lower norm) is only valid to the extent that it complies with natural law (the higher norm), with under natural law results in law and justice being the same thing.

Legal positivism rejects natural law mainly for the reason that, according to the positivists, this theory cannot be verified, and is therefore suspect. This is however nothing but academic humbug, and shows that academics must not be allowed to rule us and our world, but rather that they should be kept under lock and key in their ivory towers. But they have unfortunately been able to convince the simple-minded politicians that positive law provides them with unlimited powers, with the result that legal positivism is now in control of our world and our lives. Very convenient for the said politicians of course, who have found in positivism a justification to make laws at will and with any content they happen to like or require.

Summary⁵²

1. There exist certain principles of justice, independent of the human acts of the will, or whatever other form of human acting.

⁵¹ Note that not every command, but only the command of a politically superior authority, is law.

⁵² A. Soeteman: '*Machtig Recht*' (1990).

2. These principles can as such be known.
3. These principles are relevant to the validity of positive law.

1.2.2. Natural Rights

Natural law is universal and eternal (unchanging) law that contains the whole of the natural rights. These are defined as *negative* rights (rights to be free from): actions that a government (and private citizens) should not take; hence natural law is also known as the law of freedom and the rights it contains as freedom rights. Natural rights are also known as option rights:

Option rights are legitimate (and thus *natural*) rights, based on the freedom of human beings, to make one's own choices between the various options which are from time to time open to one, providing always that one's choices do not violate the corresponding rights of others. These rights are typical free and democratic societies.⁵³

Natural rights are individual rights and protect the rights of an individual and collective natural rights do not exist: groups of people whose rights were violated have to resort to a class action to get satisfaction.

There are three primary natural rights, which are as follows:⁵⁴

Life : in the biological sense;

Liberty : one's life in the sense of one's activity as a separate thinking, speaking, acting and working person;

Property: one's body, which is the physical seat of one's life and freedom.

Frank van Dun deduces from these three rights that every human being is entitled to respect for his life, liberty and property, and that nobody (including governments) has a legal claim on the life, liberty and property of any other free individual. Indeed, for by reason of his natural rights, the individual is sovereign, and in his capacity of a free, autonomous being he makes (his own) choices. He possesses an absolute right to self-determination, but he has no property rights over others.⁵⁵ Since natural rights are inherent rights, they are necessarily also inalienable rights, which implies that no individual can ever be deprived of them, but also that no individual can ever surrender them.

Note that the right to property concerns *natural* property (that is, one's body), and not *acquired* property. Frank van Dun rightly points to this common misconception:

[...] apart from one's natural property (one's body), other property (e.g. one's house, car, cattle) is not a natural right. [...] Lawfully acquired property is not a natural right in the strict sense, but we can refer to such property as a right within the natural law. In that extended sense, lawfully acquired property is a natural right too. [...] It follows that justice requires that we respect not only other persons and their natural rights but also their law-

⁵³ See subsection 1.1.2. (Human Rights, heading 'Human rights are a peculiar type of positive law') for a corresponding definition of their counterparts, the welfare rights (human rights).

⁵⁴ Prof. Dr. Frank van Dun: '*Natural Law and Natural Rights*'.

⁵⁵ State intervention in the lives of private persons and enslavement of individuals, e.g., are violations of natural law.

fully acquired property. It does not require that we respect a person's unlawfully required property (or rights).⁵⁶

Although natural rights are absolute rights, as individual rights they yet possess a relative nature. This applies in particular to the right to freedom, in itself an absolute right, but as an individual right nevertheless relative, because it is limited by that same right of another: the freedom of the one ends where the freedom of the other starts, a principle known as the Balance of Justice:

Justice entails as much freedom as can be achieved without impinging upon the freedom and justice of others. In comparison to theoretical infinite freedom this is distinctly finite, but contains within its limits the acknowledgment of the reality that ultimate freedom is impossible. Unlimited freedom requires the lack of freedom of others, this freedom is in fact simply oppression dressed up in fancy clothes.

Similarly peace without justice is a breeding ground for war, the second world war is a clear indication of this principle. The unjust peace created at Versailles created an environment which allowed the coming to power of a regime which is now synonymous with evil.⁵⁷

The legitimate limitation of the individual freedom was already one of Cicero's central principles of law: '*nenimem laedere*' (hurt no one). The principle is found in the 4th article of the Déclaration des Droits de l'Homme et du Citoyen of 1789, and was illustrated by Pierre Louÿs in his novel '*Les Aventures du Roi Pausole*' (published in 1901):

By highly simplifying the Book of Customs, left behind by his ancestors, Pausole had arrived at issuing a code of law that consisted of two articles and that at least had the privilege of speaking to the ears of the people. Behold it here in its entirety:

Code of Law of [the Kingdom of] Tryphême

- I. Do not do any harm to your neighbour.⁵⁸
- II. Having understood this well, do as you please.

Keeping everybody's free space as large as possible is an objective of natural law, this in contrast to positive law, notorious for its biased and class justice, which appears to grant only certain individuals and elites their freedom to the disadvantage of all others.

Secondary Natural Rights

Since only the three primary natural rights are defined, all other (natural) rights must be deduced from them; those deduced rights are known as *secondary* natural rights. For instance, the secondary right to freedom of speech is deduced from the primary right to liberty; the right to self-defence is a

⁵⁶ Prof. Dr. Frank van Dun: '*Natural Law and Natural Rights*'. Note that his assertion "It does not require that we respect a person's unlawfully required property (or rights)" refers to his *right* to that property, and not to the property itself. Stolen goods, for instance, are indeed not the property of the thief, or of the one who has acquired them from him (regardless whether in good or in bad faith), but they are and remain the lawful property of the owner from whom they were stolen. Nobody is required to respect the stolen goods as the property or possession of the thief (or a later buyer), but they must be respected as the property of the lawful owner.

⁵⁷ Anarcorp, '*Peace or Freedom or Justice*'. (<<http://anarcorp.tripod.com/pfj.html>>).

⁵⁸ This article includes the duty not to manoeuvre oneself deliberately in any position in which one may cause harm to others or their goods.

secondary right deduced from the primary right to life, but perhaps also from the two other primary rights. These secondary rights are, in a sense, relative rather than absolute rights because they are found by the judge (i.e. by man) through deduction. This does however not make them a kind of human rights (which are *artificial rights*), for they still owe their character and validity to the absolute primary natural rights, and constitute an important basis of the human laws (positive laws drafted under natural law).⁵⁹

Since the secondary rights always have their origin in the primary rights, they can never collide with any of the latter. If a secondary right yet appears to do so, it cannot not be a *natural* right, but it must necessarily be an *artificial* right.⁶⁰ If such a right is appealed to, then the judge must declare that right false (invalid). It is possible though, that two secondary rights collide, and when this happens the judge must decide which of the two rights is the strongest and rule accordingly. But even if a secondary right is found to be a valid right, then the exercise thereof may still not result in a breach of any of the primary rights of another. For instance: freedom of religion is a secondary right, but using it never legitimises e.g. the killing or mutilation of any individual for religious reasons, since that would constitute a serious violation of the victim's primary rights.

Natural law knows, in contrast to positive law (human rights), no catalogue of secondary natural rights. Human rights are *made by the legislator*, and they can thus be known beforehand (apparently even before they have been invented). But which exactly the secondary rights are is not known until they are, through deduction, *found by the judge*. Natural law is therefore judge's law; in proper English: common law. From this follows that "natural rights treaties" cannot and also do not exist. From this further follows that the constitution of a democracy never contains any so-called constitutional rights, but only an article that declares that the state in question is based on natural law, with a summary of the three primary rights, and, perhaps, a short explanation of them.

Finally, any person who, without justification, violates the natural rights of another person risks the forfeiture of his own natural rights. Now if a court, by way of negative sanction in reaction to immoral behaviour, prohibits and makes it impossible for a person to exercise one or more of his natural rights for a while or forever, then this should only concern his secondary rights, because prohibiting a person to exercise any of his primary rights generally means killing him.⁶¹

⁵⁹ See subsection 1.3.2. (Relationship between Natural Law and Human Law).

⁶⁰ Often created for reasons of convenience or expediency, and thus necessarily a human right.

⁶¹ See also subsection 3.1.3. (Capital Punishment).

1.3. Positive Law versus Natural Law

1.3.1. Comparison of Positive Law and Natural Law

Positive law

- is of human origin: it is man-made law that consists of relative, subjective norms. Positive law is local and temporary (changing) law; it creates legal insecurity and guarantees oppression and injustice.
- regards man as an object of law, and takes a pessimistic view of mankind: man tends to be bad. It is hostile law that regards man as an unable, immature and irresponsible being, incapable of making the right choices himself: man can therefore not be free and must be guided by a superior (an elite).
- accepts that human acting is controlled by the will alone: the will (of a superior) determines what is good and what is bad. But since that will is not bound by any higher norm, one can will anything! This leads to chaos and injustice. Will = disorder.
- supports the oppression of the individual and renders him defenceless against illegitimate and unjustified government intervention; it constitutes the basis of a state that is based on (positive) laws: a dictatorship with a *legal* system where all power rests with the authorities, the ruling elite.
- aims at applying the law, and must therefore be rigid.
- includes the human rights which are defined as positive (rights to) or welfare rights (entitlement).
- positive law is therefore an artificial system of laws and oppression that belongs to artificial people who form an artificial order.

Natural law

- is of superhuman and even superdivine origin: it is given law that consists of absolute, objective norms. Natural law is universal and eternal (unchanging) law; it creates legal security and guarantees freedom and justice.
- regards man as a subject of law and takes an optimistic view of mankind: man tends to be good. It is friendly law that regards man as an able, mature and responsible being, capable of making the right choices himself: man is therefore free and needs not be guided by anyone but himself.
- accepts that human acting is controlled by reason: the higher norm determines what is good and what is bad. Reason enables man to find that higher norm and, on that basis, to act reasonably. This leads to order and justice. Reason = order.
- safeguards the freedom of the individual and protects him from illegitimate and unjustified government intervention; it constitutes the basis of a state based on (natural) rights: a democracy with a *justice* system where all power rests with the citizens, the people.
- aims at meting out justice, and must therefore be flexible.
- contains the natural rights which are defined as negative (rights to be free from) or option rights (free choice).
- natural law is therefore a natural system of rights and freedoms that belongs to natural people who form a natural order.

The comparison above shows clearly that positive laws are not made for the benefit of the citizens, but for the benefit of the politicians. To them, positive law is an excellent instrument to satisfy their hunger for power, for it allows them to oppress the people by restricting their freedoms at will and to rob them of their last penny. Positive law is diametrically opposed to natural law, for the former is hostile to the individual, while the latter is friendly. It would be wrong though, to assume that the friendly character of natural law implies that it is a soft type of law, that also shows a friendly face towards those who deliberately and without justification violate other people's natural rights. On the contrary, just because natural law assumes that an individual is free because he is, or ought to be, both responsible and accountable for his deeds, this law is definitely not mild to those individuals who deliberately refuse to take their responsibility. After all, freedom and responsibility are each other's complement, for there can be no freedom without responsibility, but there can also be no responsibility without freedom.

There is only one basic human right, the right to do as you damn well please. And with it comes the only basic human duty, the duty to take the consequences. (*P.J. O'Rourke*)

The personal and individual (moral) responsibility and accountability for all his deeds rest entirely with the individual,⁶² regardless of what the law says. While under positive law individuals can easily escape justice by hiding themselves behind the law,⁶³ under natural law no person is immune. There is no exception to the rule: nobody, from the youngest employee to the director of a company, and from the most junior civil servant to the Head of State, can hide behind any law or behind any private company, public service or government department.

The Jurist and the Legist

The same distinction that exists between positive law and natural law, exists also between the legists and the jurists.

Legists have knowledge of positive law, and they are skilled in drafting rules of *law* in conformity with the artificial order of the political world and its laws, and in the knowledge of how to apply those rules within a particular artificial order. Being a legist is a profession, and requires no sense of morality. It leaves a legist cold if through his work e.g. a serial killer is acquitted, for his efforts are solely aimed at winning cases, for that earns him money and establishes his reputation. And the better his reputation is, the more cases he is offered and consequently the more money he makes.

Jurists, on the other hand, have knowledge of natural law, and they are skilled in devising rules of *justice* in conformity with the natural order of the human world and its laws, and in the knowledge of how to apply these rules within a universal natural order. Being a jurist is a vocation, which implies that he must be endowed with a strong sense of morality. He will not work towards an acquittal of e.g. a serial rapist (that would be a rape of justice), but he will only see to it that the sentence he receives is what he deserves, no less and no more. A jurist's efforts are aimed at meting out justice, because that, and not the enrichment of himself, is his objective; for this reason jurists are commonly active in the non-profit 'legal' sector.

⁶² This includes the civil servant and the politician.

⁶³ Hence it is said that positive laws are made by criminals for criminals.

Since jurists represent and apply the higher law, they are superior to the legists (justice above the law). The latter are however very eager to call themselves jurists, because that puts them on a higher level. Which is a form of deception, for legists have no notion at all of what is right (*Lat. jus*): they only know what is law (*Lat. lex*), and the law is crooked.

Jurists are for obvious reasons not welcome in a positive law system, but in a natural law system both the jurist and the legist are indispensable. There they cooperate closely while respecting each other's responsibilities, albeit that the jurist always has the casting vote. In the case of a proposed new law, for instance, the jurists are responsible for the legitimacy of the bill; they advise the proposer about her desirability, necessity and content (which must be morally just). The legists are responsible for the legality of the bill; they do the actual drafting and guard the process of passing her. During this process, there is a regular exchange of information between the jurists and the legists.

It is a sad but explicable fact that in the current dictatorial states the legist, who cares for money and the law, is dominant, while the jurist, who cares for people and justice, stands little or no chance to exercise his vocation. The result is that the lesser well-to-do are often not eligible for high quality legal aid because they cannot afford a private lawyers' excessive fees. But everybody is entitled to justice, (natural law), not only for the rich and powerful (positive law),⁶⁴ and Frank van Dun rightly concludes that if the legist gets better pay than the jurist, then the probable reason is that legal systems legally permit some people to gain what they could not gain if they had to respect the natural law.⁶⁵

1.3.2. Relationship between Natural Law and Human Law

Positive laws are man-made laws under positive law. Man-made laws under natural law are traditionally known as human laws, but since human laws are also man-made, it has become customary to also refer to these laws as positive law, which is quite confusing at times. The difference between the two types of man-made law is, that human laws (positive laws drafted under natural law) are based on principles (the higher norms) and the result of reason, while positive laws (drafted under positive law) are based on facts (actual human behaviour) and the result of the will alone:

Natural law:

based on principles (higher norms),
found in the conscience
yields positive law, result of reason

Positive law:

based on facts (actual human behaviour),
found through observation
yields positive law, result of the will

Natural law (*ius naturale*) contains the whole of the natural rights, while human law (*ius humanum*) is the realisation of natural law, that must meet the criteria of natural law for her validity. The relationship between natural law and human law (positive law resulting from natural law) is as follows:

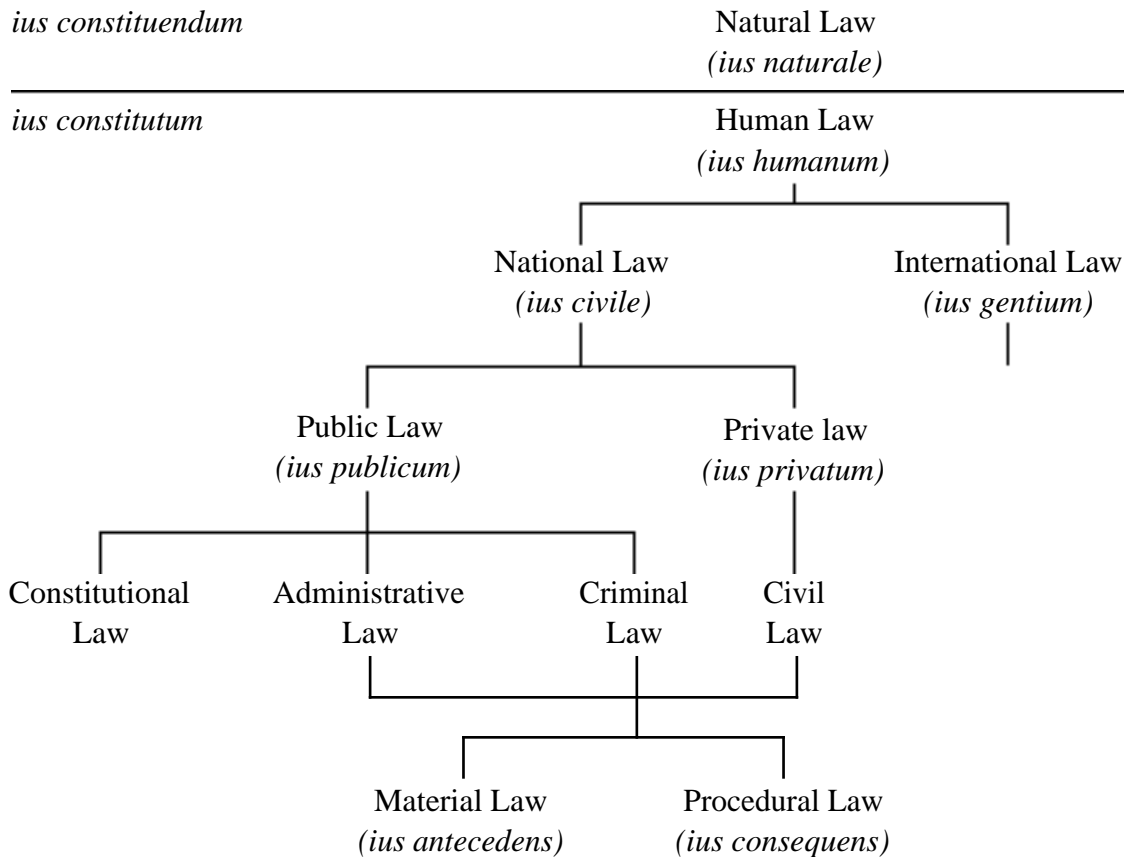
- **Natural law** (*ius naturale*) is the 'ius constituendum': the law as she should be.
- **Human law** (*ius humanum*) is the 'ius constitutum': the law as she is.

⁶⁴ Years ago, during a conversation between the present author and a barrister, the latter in so many words confirmed that "justice is only for the rich" .

⁶⁵ Prof. Dr. Frank van Dun: '*The Science of Law and Legal Studies*' and '*Concepts of Order*' .

Human law knows two main divisions, namely national law (*ius civile*) and international law (*ius gentium*), each with a number of subdivisions. Note that international law is natural law applied to international relationships between states.⁶⁶ See the diagram on the next page.

The Subdivisions of Natural Law



1.3.3. Validity of Laws

Since laws and decisions under positive law often contradict the (natural) sense of justice, violation of those laws is far from uncommon. This leaves the authorities nothing but to enforce the observance of such laws by threatening with punishments (fines, detention), and by actually imposing them in case of violation. However, a positive law that was passed without the consent or assent of the citizens, possesses no validity. Therefore no duty rests on any citizen to ‘obey’ such a positive law, unless she happens to be internally legitimate (morally right) and the decisions based on her are just. But in that case one of course still does not obey the law, but acts in accordance with the natural, the higher norm.

Virtually all reasonable laws are obeyed, not because they are the law, but because reasonable people would do that anyway. If you obey a law simply because it is the law, that’s a pretty likely sign that it shouldn’t be a law. (*Unknown*)

Positive law assumes that what is legal, is also actually morally just (legitimate), but a law under natural law can not at the same time be legally valid and morally wrong. A good understanding of the

⁶⁶ This applies to conventional international law only. The artificial type of international law, invented and dictated by the United Nations, is of positive origin (hence its dictatorial nature) and based on the actual behaviour of states.

difference between legal and legitimate is therefore crucial:

- **legal** (*lawful*) belongs to positive law and refers to the prescribed and regular procedure for passing laws. This term applies to positive laws drafted under positive law and to positive ('human') laws drafted under natural law.
- **legitimate** (*rightful*) belongs to natural law and refers to the contents of a law, which must be of a moral nature, that is, in accordance with the higher norm.

In a *legal* system, governed by positive law, a law can have any content because that content is determined by the will alone. The nature of that content, even if immoral, is of no consequence at all to her validity: to be valid, a positive law must be legal but not necessarily legitimate:

[...] The Court ... was reflecting the growing dominance in American jurisprudence of legal positivism, the notion that since the mind is incapable of knowing the essences of things and since, in the words of Hans Kelsen, the leading legal positivist of this century, 'justice' is merely an 'irrational ideal,' there is no inherent limit to what the law can do. Therefore, whatever decrees are handed down pursuant to prescribed legal forms by the ruling authorities must be accepted as valid law regardless of their content. As Kelsen put it, 'any content whatsoever can be legal; there is no human behavior which could not function as the content of a legal norm.' [...] It requires no proof that legal positivist jurisprudence is well on the way to establishing the intellectual base for the depersonalization and extermination of various classes of innocent human beings.⁶⁷

A *justice* system, on the other hand, which is governed by natural law, always demands a moral substance for a law to be valid. To natural law it is immaterial whether a law is legal, for if she is legitimate (morally just), then she is also and automatically valid.⁶⁸ Since natural law is the higher law, this law alone determines the validity of a positive law according to the following logic:

<i>Natural law</i>		<i>Positive law</i>		<i>Result</i>
– legitimate	+	legal	=	valid
– legitimate	+	not legal	=	valid
– not legitimate	+	legal	=	not valid
– not legitimate	+	not legal	=	not valid

Thus, a law that has a legal status (procedure), but is not legitimate (substance) possesses no validity, while an act that is legitimate but not legal is yet valid: natural rights cannot be repealed or restrained by human laws! There are yet exceptions, for an illegitimate law can in a particular situation yet be legitimate. Example: expropriation by the state 'due to public interest' would under normal circumstances be illegitimate (and therefore not allowed), but in a situation of war, a private building might yet be requisitioned for a reasonable compensation and no longer than necessary. Also an illegitimate act can in certain cases yet be justified. For instance, giving an attacker a blow out of self-defence is a violation of the attacker's natural rights, which is however justified by the fact that it was given out of self-defence. The defender is guilty of mistreatment, but the presence of a reason for justification discharges him from prosecution.

⁶⁷ Charles E. Ricein 'Common Faith Tract No. 2' (1983)

⁶⁸ The same of course applies to regulations, etc., and to legal decisions.

The criterion of legitimacy does not explicitly demand a man-made law to judge the acts of an individual. Under natural law the emphasis lies entirely on the contents, and a law in fact only serves to lay down beforehand, and insofar possible, what must be regarded as legitimate or illegitimate, or to solve general coordination problems (like ‘All traffic keeps to the left [or to the right]’), and that for the sake of legal security. A law that is legitimate automatically complies with the natural norms, for “the human law is a statement of reason, through which human acts are regulated”. Theoretically it is therefore immaterial whether a law is legally binding or not, but to avoid total chaos, it is also under natural law required that a law is legal, that is, she must have been passed in accordance with the regular procedure.

Man-made laws are lower laws that are based on the will alone, and that will is the result of actual behaviour of man. But the higher (=natural) norm, and **not** the actual behaviour of man, is the criterion or standard for the lower (=positive) norm. Human behaviour must be kept under strict control of the power of reason which is able to detect the higher norm. Since natural law transcends positive law, the lower laws can and must be judged and if necessary rejected with the use of the three criteria of natural law: the already mentioned absolute criterion of legitimacy, and the relative criteria of reasonableness and equity (*ex bono et aequo*). The two latter criteria establish case law since they create new rules for particular cases by deducing concrete rules from the primary natural rights. Natural law presupposes that such new rules can be found through reasoning, that is, rational deduction. The method of deduction must not be confused with the method of interpretation which the legists apply to positive laws. Deduction yields new rules which are still linked to the original rule, and thus to natural law itself: the original rule can still be recognised in the deduced rule. Interpretation, on the other hand, produces new rules which often have nothing to do with the original rule.

The judge is the authority to apply a law in an individual case, but before doing so he should first determine a law’s validity by trying her legitimacy and legality. Legal systems (positive law) explicitly forbid the judge to test all primary laws (constitution, statutory laws) and treaties. Positivists argue that a judge must strictly follow the law, and not provide his own solutions, because laws are the expression of the will of the people,⁶⁹ cast in form of a law by parliament. In a democracy that would certainly be true, but a ban on testing laws by the judge poses a huge problem, since:

- the people cannot get rid of an illegitimate law without the goodwill and the cooperation of the ruling elite or dictator.
- the judge can only try to interpret the law as good as he can in an attempt to minimise the damage to the individual (judges are not allowed not to rule).

Under positive law the individual is no more than just a part of the whole, a cog in the wheel, so a law under positive law can only be ‘*ready-to-wear*’ law: one law fits all (=injustice). Laws under positive law are moreover explicitly aimed at the regulation of the society and are therefore minutely detailed. They provide neither the civil servants nor the judges with any room to manoeuvre, which often results in injustice. Under positive law (that is, in a dictatorship), civil servants and judges are no more than instruments of the government that obediently execute the policies laid down by politicians. They are therefore not required to bear any responsibility nor are they accountable for their deeds. In terms of natural law: they are not free, so they can not be (made) responsible. In a dicta-

⁶⁹ The will of the people (the *volonté général* or general will) must be understood as that which the majority of the people agree to, or as that which the majority of the people do not object to.

torship most law is statutory law, law *made* by politicians.

Natural law, too, recognises the necessity of man-made laws applicable to all members of society, but those laws may never be the result of the human will alone. In a democracy, too, a bill of law starts with the will to make a law, for without the will nothing is possible. But the higher norms, that constitute the moral basis for the will, must always be observed in order to avoid chaos and injustice. Under natural law, therefore, immediately after the will has been expressed, the question as to the moral acceptability (legitimacy) is put: I will this, but would it be morally acceptable? Would that what I will not collide with natural law, the higher norm? Would my will if executed (turned into law) violate the natural rights of the individual? In case of a confirmative answer, the deal is off.

But the fact remains that even in a democracy laws can only be *general* rules of conduct that apply to the whole society, or part thereof. But since to natural law it is the *individual* that counts, laws under natural law must necessarily take the form of '*made-to-measure*' law (justice). Since it is not the aim of natural law to regulate society (in detail), this can be achieved by drafting basic laws, frameworks, which contain mainly open norms that must be filled in by those who execute the law (civil servants) and by those who apply the law (judges) according to what justice requires and demands. The open norms provide both officials with plenty of room to take the right decision and do justice in every individual case while remaining within the scope of the law. But the consequence of this freedom is that both civil servants and judges are fully responsible and accountable for their own decisions and that they must individually be disciplined or punished for mistakes they can be blamed for. In a democracy most law is common law, law *found* by judges.

In a *justice* system (natural law) the judge has the authority and the obligation to test all primary laws (constitution, statutory laws), secondary laws (regulations, other inferior laws) and all treaties for their legality and their legitimacy. He will always declare a law invalid if she proves not to have a legal status. This does not lead to chaos (legal insecurity), because this validity, which is determined by the prescribed procedure for passing laws, is a technical problem and therefore measurable, with the result that every judge will draw exactly the same conclusion. The validity of a law in regard to her substance (her legitimacy) is however not measurable, and every judge may draw a different conclusion. In order to avoid a possible chaos the judge will therefore rarely use his authority to declare an illegitimate law invalid. He will instead rule to the best of his power while remaining within the scope of the law in question, and leave the task of a just and righteous ruling to the Sovereign Court, the independent authority that can and does disregard any (inter)national man-made law.⁷⁰

No obligation to observe invalid laws

Although positive law assumes that what is legal, is also actually morally just, a law under natural law can not at the same time be legally valid and morally wrong. Natural law thus recognises that a legal norm can be so reprehensible, that she may not be obeyed. In the Ancient World it was already argued that man-made laws that collide with the higher norm can not possess any validity because they would then be unjust. In Christian times, Augustine of Hippo observed that "which is not just seems to be no law at all"⁷¹. And Gratian stated that:

⁷⁰ See section 3.3. (The Sovereign Court of Justice).

⁷¹ Augustine: '*De Libero Arbitrio*' (388).

Natural law, through its dignity, transcends the custom and the law. For everything that is accepted by custom or laid down in written laws must, if it conflicts with natural law, be regarded as void and invalid.⁷²

Aquinas, too, stated that a man-made legal norm which is not in accordance with the higher norm, possesses no validity: **Lex injusta non est lex** (*the unjust law is no law*). She can then no longer be obeyed (unless, perhaps, not obeying her would lead to chaos).⁷³ In our times philosopher of law Alexander d'Entrèves confirms that the positive law is only valid if she complies with natural law:

There exists an eternal and immutable law which can be the object of our knowledge. The positive law is valid only to the extent that it respects the natural law and is based on morality.⁷⁴

Positivists accept the idea that positivism is consistent with an obligation to obey law qua law, and that not obeying a law, even for a legitimate reason (because that law is immoral), is under positive law therefore illegal. Natural law, on the other hand, argues that the mere status of a norm as law cannot give rise to any moral obligation to obey that norm. While there might be a moral obligation to obey a particular law because of its moral content (e.g. laws prohibiting murder) or because it solves a coordination problem (e.g. laws requiring people to drive on a certain side of the road), the mere fact that a rule is law does not provide a moral reason for doing what the law requires. There cannot be a moral obligation to obey a rule simply because it is the law. The artificial criterion of legality is immaterial, it is the natural criterion of legitimacy that counts. In the words of Frank van Dun: '[we must study the world as jurists, not as legists, because] the objective here is to determine not whether an act was legal or illegal in some society but whether it was legitimate (just) or not.'⁷⁵

Not observing immoral laws is therefore not illegitimate under natural law. Laws, regardless whether issued under positive law or under natural law, that are unjust or cause injustice, and/or those that are issued without the consent of the majority of the people (which is not necessarily the same as the majority in parliament) cannot be valid, and must be disregarded by the citizen and the judge alike. Every citizen has the natural right to resist an unjust law by not observing her if she is not repealed or adjusted by the body that drafted and passed her, or declared invalid by the judge.

Every citizen has moreover the natural right as well as the duty to contribute to the overthrow of a dictatorship (an unnatural state), with the aim to establish or restore democracy (the natural state). This right to remove a destructive government (confirmed by amongst others John Locke) is a secondary natural right deduced from the primary right to freedom. It is already found in the Scottish Declaration of Arbroath (1320), and was later also codified in the US Declaration of Independence (1776) and the French Droits de l'Homme et du Citoyen (1789).

Though people commonly speak of 'civil disobedience' when they refer to resistance to an unjust law and to a dictatorship, this type of direct action is properly called *civil resistance*. Civil disobedience does not exist, because it cannot exist: the citizens are the masters and the government their servant, and how can ever a master be disobedient to his servant? Now, since the government must obey, and respect the wish of the citizens, and is therefore also accountable to them, it is the

⁷² Gratian: 'Decretum' (±1140).

⁷³ Thomas Aquinas: 'Summa Theologica' (±1267).

⁷⁴ Alexander P. d'Entrèves, 'Natural Law: An Introduction to Legal Philosophy' (1994).

⁷⁵ Prof. Dr. Frank van Dun: 'Concepts of Order'.

government that is disobedient to the citizens if she refuses to comply with this democratic principle; from this follows that *administrative disobedience* does exist. The use of the expression 'civil disobedience' is a psychological trick used by tyrannical governments to intimidate the citizens, and in this way nip any resistance in the bud: after all, nobody really likes to be 'disobedient'. The expression 'civil disobedience' is thus wrong and people must be dissuaded from using it.

Does the government fear us? Or do we fear the government? When the people fear the government, tyranny has found victory. The federal government is our servant, not our master! (*Thomas Jefferson*)

1.4. More about Natural Law

1.4.1. Concise History⁷⁶

The natural law tradition finds her origins in ancient Greece during the 5th and 4th century B.C. Greek philosophers distinguished between the *physis* (natural law) and the *nomos* (man-made law): what the law commanded varied from place to place, but what was ‘by nature’ should be the same everywhere. The Greek philosophers Socrates, Plato and Aristotle assumed that not all rules are made by man, but that certain rules were given to man, and claimed that it should be possible to distinguish universal and unchanging rules of law (objective and absolute norms). All human laws were to be judged by their conformity to the natural law, and an unjust law was no law at all. The development of this tradition into natural law is usually attributed to the Roman Stoics.

Despite its pagan origins, some of the early Church Fathers sought to incorporate the natural law tradition into Christianity. Amongst them were Augustine of Hippo, Gratian and Thomas Aquinas (1224-1272). The latter would restore natural law to its independent state, asserting that, as the perfection of human reason, it could approach but not fully comprehend the divine law. Aquinas also wrote the first thorough treatise on natural law as part of his *Summa Theologica*. Working with newly recovered Aristotelian works as well as the Stoic, biblical-patristic, and Roman traditions, he set out the account of natural law as that type of law through which humans take part according to their nature as free, intelligent and responsible beings.

Under this Christian influence, natural law was in the middle ages deduced from the bible; and divine law, natural law and human law were not allowed to conflict with each other. Grotius (Hugo de Groot, 1583-1645) would later detach the moral standard from God and church, by stating that natural law would still have existed even if God had not existed, and that men were capable of understanding that certain rules were necessary for the preservation of society.

In the second of his ‘Two Treatises of Government’, the English philosopher John Locke (1632-1704)⁷⁷ penned down his theory of natural law and man’s natural rights (life, liberty, and property), and his notions of a “government with the consent of the governed”. He defended the proposition that government rests on popular consent (legitimate government) and that rebellion is permissible when government subverts the ends (the protection of life, liberty, and property) for which it is established. He asserted that revolution in some circumstances is not only a right but an obligation and came thus to the conclusion that the ruling body, if it offends against natural law, must be deposed.

Locke’s remark that government is necessary because in practice natural law is ignored, is the origin of the idea of a social contract that was developed in the 17th and 18th centuries. His views concerning liberty and the social contract later influenced the works of Thomas Jefferson and other Founding Fathers of the United States, and justified the risings of both the American colonialists in 1775 and the French in 1789. With the American Declaration of Independence of 1776, natural law took the character of the formulation of fundamental rights which would apply to individuals at all times.

⁷⁶ Partly taken from the Wikipedia Online Encyclopedia, for what good is there in inventing the wheel over and over again? ‘No good!’, says the fellow, and the present author concurs.

⁷⁷ Locke is known as the Philosopher of Freedom.

By the 17th century these views came under intense criticism from some quarters. Thomas Hobbes instead founded natural law on what all men could agree upon: what they sought (happiness) was subject to contention, but a broad consensus could form around what they feared (violent death at the hands of another). Natural law was how a rational human being, seeking to survive in comfort, would act. In the views of Hobbes, the natural law demanded that men submit to the commands of the sovereign. This meant that whatever the sovereign commanded was law: natural law forbade appeals from positive law to the natural law. Jeremy Bentham's modifications on this view became the basis of legal positivism.

In the 19th century the interest for invariable rules of law decreased further under the influence of legal positivism and pragmatism: it became more and more accepted that no law has been given by nature, but that laws were invented and introduced by people. People even turned against natural law in whatever form, mainly on the consideration that the law, always resulting from relationships that change with time and location, must be different in nature, and that it is therefore useless to postulate within or above it a natural law that is independent of time and location. Also the slight significance given to the revelation and to reason led to the rejection of natural law:

The beginning of the 20th century showed a revival of the ideas of natural law as a result of the atrocities committed during the first and second World Wars, and thereafter in reaction to the increasing tendency of governments to lock the citizens out from the process of political decision-making, and the unsatisfactory way in which those governments deal with (the increase in) crime.

1.4.2. Schools of Thought within the Natural Law Tradition

One can obtain knowledge of natural law, according to some, through perception of certain patterns of behaviour present in the nature outside of us ('natural law is that what nature has taught all creatures'). Others state that this is possible through contemplation of the divine revelation and its interpretation by the church. Again others assert that that knowledge can be obtained by consulting our inner, reasonable nature. These three visions reflect the three traditional schools of natural law.

1. The Metaphysical School:

Based on the cosmological idea of the Ancient World (Plato, Aristotle): the source of natural law is found in the metaphysical world of the ideas⁷⁸, where the higher (i.e., the absolute, objective) norms are located. In the physical world of Man, the human (i.e., the relative, subjective) norms are located, which must be tried for their conformity with the absolute norms in order to determine their validity.

2. The Theological School:

Based on the Christian concept of revelation during the early (Augustine) and high (Aquinas) Middle Ages: God is the source of natural law. The later Thomists, referring to Aquinas, put that assertion into perspective by stating that the higher norms are so absolute, that they would even exist and be valid if no god existed. This was later confirmed by Grotius,⁷⁹ and meant in essence a return to the original metaphysical notion.

⁷⁸ Ideas the Platonic sense of the word, that is, the archetype or external pattern (or image) of which all existing things are imperfect representations. Since the ideas are perfect, natural law, too, must be perfect.

⁷⁹ See subsection 1.4.1. (Concise History).

3. The Rational School:

Based on human reason, a vision that was developed during the Renaissance and the Enlightenment: the source of natural law is in man himself. Because the line between rational natural law and positive law is a very thin line that is easily crossed, adherents of this school are sometimes but undeservedly accused of being disguised legal positivists.

The metaphysical school is the only school that can guarantee full objectivity and righteousness because she is entirely free of all external influences (including the political and religious). The metaphysical world, and thus the source of the natural norms, lies outside man, and even outside the gods, for they too are subjected to the natural norms. This school can therefore be entirely neutral in regard to all aspects, which results in objective justice. The price that natural law itself as well as the jurists have to pay for this impartiality is that both are from all quarters regarded as politically incorrect: political left-wingers regard them as right-wingers or even right wing extremists; political right-wingers regard them as left-wingers or even left wing extremists; religious politicians regard them as atheists, etc. But all this does not affect the jurist, for every jurist is well aware that achieving justice is far more important than the weird and crooked ideas of some prejudiced politicians, academics, legists and others.

1.4.3. Three Main Conventions

It is important to make a clear distinction between the religious, ethical and moral norms:

- **Religious norms** (*morality in the religious sense*), said to be of divine origin because their source is (often) found in the so-called Holy Books, are in fact simply man-made norms. For that reason, religious norms apply only to and within a certain religious group and they are only binding upon the members thereof, and may for that reason never be imposed on others.
- **Ethical norms**, also of human origin, attempt to give direction to positive law, in that sense that they are the *artificial* higher norms that the legislator is supposed to use as a guide when making laws. But the ethical norms fail in this, because they are of human origin, and like positive law itself, they are subjective and relative, local and changeable norms. Ethical norms are not recognised by everybody, and they are therefore also not experienced as binding. Consequently they, too, may never be imposed on those who do not accept them.
- **Moral norms** (*morality in the legal sense, i.e. natural law*) are of neither human nor divine origin. They are objective and absolute, universal and eternal norms, that as a result are experienced as natural. People are therefore more easily inclined to accept natural law of their own free will and accord, which is proved by the fact that these norms are the only norms that have been recognised and shared by all people(s) throughout the ages.

1.4.4. Whether Man is by nature good or bad

Natural law and positive law each have their own concept of the nature of Man, and both are diametrically opposed to each other:

- **Natural law** is optimistic and states that Man tends to be good. He is free, though the necessity for some form of coordination, through a small number of laws with open norms, is yet not denied.
- **Positive law** is pessimistic and states that Man tends to be bad. He is not free, but his behaviour must be controlled by an elite⁸⁰ through a large collection of very detailed laws.

These absolute views must be moderated though, since neither of them can be fully true.

Jeremy Bentham (1748-1832) is responsible for developing the philosophy of utilitarianism, and his basic premise was:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do as well as to determine what we shall do.⁸¹

On this premise, Bentham based his principle of utility⁸², which in modern terms says that ‘an action is right if it produces as much or more of an increase in happiness of all affected by it than any alternative action, and wrong if it does not’. Bentham believed that human behaviour was motivated by the desire to obtain pleasure (utility) and to avoid pain, and was convinced that it is ‘the greatest happiness of the greatest number that is the measure of right and wrong.’ Thus, according to Bentham, every human being strives for just two things in his entire life, viz.:

1. Maximisation of utility [=pleasure];
2. Minimisation of pain.

1. Maximisation of utility implies that an individual will:

- i. only act in a way he regards useful to himself;
- ii. try to maximise that utility as much as possible.

Man is a rational and self-conscious being, and will leave anything he regards as not useful to himself. But when he finds something he does find useful, he will attempt to profit as much as possible of it by making it as useful as possible to himself. Thus, every human being only acts out of self-interest, and that can cause conflicts.

This acting out of self-interest equally applies to the makers of positive laws. The criteria of what’s right and what’s wrong, contained in the positive norms, are determined by the person who creates them and who is embedded in his own culture (and religion), which makes these norms of course anything but objective. Despite attempts thereto by the legal positivists, it is scientifically impossible to ascertain what is good and what is bad, what is right and what is wrong (proven by, amongst others, the fact that man-made norms change over time). Whether a person’s actions are good or bad (morally acceptable or not) can only be determined by the

⁸⁰ Positive law forgets, however, to explain why exactly that elite would be better than and superior to all others! The reason is actually the satisfaction of the primitive lust for power by that so-called elite.

⁸¹ Jeremy Bentham, ‘Introduction to the Principles of Morals and Legislation’ (1789).

⁸² What Bentham calls utility, was by Plato called pleasure.

power of reason (natural law), which allows access to the human conscience where the higher norms are located.

But in some cases the utility of something and the maximisation thereof becomes stronger than the conscience, because a person will not or cannot listen to his conscience, and that sometimes results in immoral, or at least undesired, behaviour. An example is 'senseless' violence, which however does not exist. It cannot exist, for if such a violence were indeed senseless to those who apply it, they would not apply it. The fact that they yet make use of a type violence that others consider senseless, implies that they (the perpetrators) do regard it as useful (to themselves). What is wrongly called 'senseless' violence is actually immoral violence.

2. Minimisation of pain implies that a human being will do anything that is in his might to avoid, or at least minimise, pain by responding to a stimulus. In order to survive he will either act or not act. Again: in his own interest.

This knowledge is frequently used to condition people, that is, to teach them a desired behaviour or to rid them of an undesired behaviour, by rewarding them if they comply and by punishing them if they resist. Indoctrination is a very subtle form of conditioning, used to teach people a certain way of thinking. Torture is inflicting physical pain as a stimulus, with the aim to make people give away information against their will.

Most people are good, because their conscience fully controls their strive for utility. As a result they regard doing damage to others (by unjustifiedly violating their natural rights) as bad, and not in their own interest. Such people are therefore morally free. Some people, however, choose out of their own free will not to listen to their conscience because their strive for (the maximisation of) utility (= pleasure) is stronger than their conscience; others can not hear their conscience because their reasoning is defective (so that they cannot make any contact with their conscience); others again are forced to disregard what their conscience tells them in order to avoid or minimise pain. In all cases this will lead to undesired or even immoral behaviour.

This fact that people are sometimes *forced* to disregard their conscience to save their own lives or those of others, or that they are simply not able to listen to their conscience, must be taken into account when applying the law: in the former case immoral behaviour could well be justified and in the latter case the individual cannot be blamed for his behaviour, and neither may therefore be punished. It would be better to consider a human being as neither good nor bad but as neutral, for that makes the judgment of all behaviour from an unprejudiced and unbiased stance possible.

It must be noted though, that not all behaviour some regard as undesired, inappropriate or immoral, is or should also punishable. Every individual has the natural right to live and behave the way he chooses and desires, regardless of the subjective standards (religious, ethical or personal) of others, as long as that behaviour is of a moral nature. An unjustified violation of the natural rights of other persons, causing harm to their life, liberty and property, is never acceptable.

2. The Political System

2.1. Dictatorship versus Democracy

- 2.1.1. Dictatorship and Positive Law
- 2.1.2. Democracy and Natural Law
- 2.1.3. Abuse of Laws and of Power is Pleasure

2.2. Sovereignty

- 2.2.1. Sovereignty rests with the People
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2.3. A Dictatorship in Form of a Particracy

- 2.3.1. Introduction
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- 2.3.3. Conclusion

2.4. A Democratic Form of Government

- 2.4.1. Introduction
 - 2.4.2. Description of a Democratic Political System
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2.1. Dictatorship versus Democracy

2.1.1. Dictatorship and Positive Law

Positive law provides the legal foundation for an authoritarian interventionist state based on laws, which results in a *legal* system. A dictatorship (an oppressive state) is a top-down system, which means that commands (laws) are passed from the top level (the government) to the bottom level (the citizens), where those commands must faithfully be obeyed and executed.⁸³

A dictatorship is a fully politicised society where the government acts as the absolute ruler over the citizens, whom she regards as her subordinates and often as objects of law. The citizens are not allowed to possess and exercise any other rights than those assigned to them by the government. In a dictatorship, everything is prohibited unless explicitly allowed by the government, and that government is not accountable to the people for her actions, since all her actions are justified by the positive laws which she herself creates for her own purposes. The source of government authority in a dictatorship is the will and the (armed) power of the dictator or the governing elite.

Positive law puts all power where it should *not* belong, namely in the hands of the politicians. Since positive laws are based on the will alone of the politicians, those laws are the result of what those politicians only find useful for themselves. Consequently, they will never make or pass any laws which they regard not to be to their own advantage, but only such laws they find beneficial to themselves, however stupid, unnecessary and impracticable such laws may be: the object of their desire is the law itself, and consequently it is nigh impossible to change the position of some dumb politician who is determined to support a stupid legislative policy. Spinoza observed that

Laws which can be broken without any wrong to one's neighbour are counted but a laughing-stock; and so far from such laws restraining the appetites and lusts of mankind, they rather heighten them.⁸⁴ *Nititur in vetitum semper, cupimusque negata.*⁸⁵

Now, if certain laws are laughingstocks, then the conclusion is justified that the creators thereof are laughingstocks themselves. Indeed, politicians are terrifying clowns that perform their not-so-funny act of making and passing *their* laws in the arena of the political circus where the perversion of law is made a principle. Thomas Aquinas wrote that:

Amongst the various kinds of government, that of a king is best, that of a tyrant is the worst. A tyrant is any ruler who despises the common good, and seeks his private advantage, and a tyrannical law, since it is not in accordance with reason⁸⁶, is not a law in the strict sense, but rather a perversion of law.⁸⁷

Since politicians regard the act of making laws useful to themselves, they maximise this utility by making as many laws as possible⁸⁸, just for the pleasure of it, and through that choke a whole society.

⁸³ Hence positive law is also known as command law.

⁸⁴ Benedict Spinoza, 'A *Political Treatise*' (1677)

⁸⁵ 'We always resist prohibitions, and yearn for what is denied us'.

⁸⁶ That is, not in accordance with natural law.

⁸⁷ Thomas Aquinas: 'De *Regimine Principum* [On Kingship or The Governance of Rulers]' (1272-1274).

⁸⁸ A typical example of how destructive utilitarianism can be.

The government of a dictatorship is a coercive body that continuously pokes her ugly nose in the private lives of the citizens, without allowing them any say in any decision, political or otherwise. The individual is regarded as not free and can therefore not be responsible for his actions: that responsibility has been taken over by the dictator or the ruling elite. The most important task a government in a dictatorship has assigned to herself, is to regulate society in accordance with her own insights and to keep the citizens under strict control (Big Brother).

3.1.2. Democracy and Natural Law

Natural law provides the legal foundation for a democratic nightwatchman state based on rights, which results in a *justice* system. A democracy (a free state) is a bottom-up system, which implies that commands (laws) are passed from the bottom level (the citizens) to the top level (the government), where those commands must faithfully be obeyed and executed.⁸⁹

A democracy is a completely depoliticised society where the government is not the ruler over the citizens, but their servant. The citizens are subjects of law⁹⁰, and no subordinates, and the government has in herself no rights except those that have been assigned to her by the citizens for a specific aim. In a democracy, everything is allowed unless explicitly forbidden by the government, and that government is always accountable to the citizens for all her actions. Every ban or prohibition she issues must have a valid, objective reason, and such a reason can only be found in natural law, upon which the government has no influence. The source of government authority in a democracy is the will and the approval of the citizens.

Natural law puts all the power where it should indeed belong, namely in the hands of the people. Being based on reason, natural law considers freedom and justice as the highest good, and tries to maximise these values. Not by making as many laws as possible, for laws are not regarded as useful, but by writing only those rules of behaviour and the reactions in case of non-compliance, which are absolutely necessary, thus guaranteeing the highest level of freedom without making any sacrifices to security. This results in many open norms (typical of a natural law system), which must be filled in and then applied by the judge as required and appropriate, so that justice will truly be served in the individual case.

The government of a democracy is a coordinative body that takes a very reserved position, leaving the organization of the society (mainly) to the citizens themselves. She follows the minarchist view⁹¹ that the government should be as small as possible⁹², and acts only in extreme situations, for the individual is free and therefore responsible for all his actions. Robert Nozick defines the role of a minimal state as follows:

⁸⁹ Note that a free state and an independent state are not necessarily the same. An independent state is a state that is free from the rule and control of any other state, while a free state is a state where the citizens are free from government intervention and control. The ideal state is therefore the free and independent state. See section 2.2. (Sovereignty).

⁹⁰ See subsection 2.2.1. (Sovereignty rests with the People).

⁹¹ Minarchism <<http://www.fact-index.com/m/mi/minarchism.html>>: “Supporters of Minarchism usually argue that anarchism is naive and goes too far towards simplicity, while libertarianism is often too allowing of vested interests, and that what they call minarchy continues traditions of classical liberal philosophy in their original form. Radical minarchists usually agree that government should be restricted to its minimal or night-watchman state functions of government (courts, police, prisons, defence forces). Some other minarchists include in the role of government the management of essential common infrastructure (roads, money); some, by what is sometimes reproached to them as a slippery slope, include quite a lot in such essential infrastructure (schools, hospitals, social security). Minarchists are generally opposed to government programs which transfer wealth or which subsidise certain sectors of the economy.”

⁹² Henry David Thoreau, ‘*On the Duty of Civil Disobedience*’ (1849): ‘That government is best which governs least’.

Our main conclusions about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right. Two noteworthy implications are that the state may not use its coercive apparatus for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their own good or protection.⁹³

The government of a democratic (nightwatchman) state does not (attempt to) regulate society, for that is not her duty. The most important task of such a government, herself bound by the higher norm, is to protect the natural rights of the citizens. She is not allowed to restrict or limit any of those rights in any way for any reason: only those restrictions of the natural rights that are found in and dictated by natural law herself are legitimate. She is however allowed, even obliged, to deal with excesses, but in practice it is natural law herself, through the judge, that adequately deals with these.

2.1.3. Abuse of Laws and of Power is Pleasure

A dictatorship is a state based on laws rather than on rights, and the government thereof uses or abuses those laws to impose her will on the citizens by threatening them with sanctions or, should that fail, with the use of armed violence (police, army).⁹⁴ But, that will is not aimed at achieving justice and righteousness, but at the obtaining, increasing and/or protecting of power and money. Since the (positive) law is based on the political will alone, without any need to worry about a higher norm, she forms the perfect instrument to oppress the people in general and the individual in particular. The oppressive power of positive law shows clearly from the fact that she can denormalise and even criminalise a whole group of (or if necessary, all) people with a single stroke of the pen. Under natural law this is impossible, amongst others because this system of law is by nature concerned with the individual, and not with a group of individuals.

The behaviour of a government in a dictatorship is of a purely machiavellian nature, a type of behaviour first described by Nicolò Machiavelli (1469-1527), and defined as:

The political doctrine that denies the relevance of morality in political affairs and holds that craft and deceit are justified in pursuing and maintaining political power.

Thus, making laws is for the ruling elite a form of pleasure, but, says Plato, "if pleasure is the criterion for human acting, then that acting is undetermined: it has no direction and results in chaos". Norms made by man and only determined by his desires can take any form. Those subjective norms do not conform to the natural order (the natural or higher norms) and are for this reason per definition a source of chaos (and injustice).

Through the laws they make to satisfy their personal pleasure, dictatorial governments not only enslave their citizens, these common thieves also rob them of their hard earned money, and if possible even of their last penny. Frédéric Bastiat (1801-1850) rightly called the levying of taxes by the (socialist) state legal plunder⁹⁵ which systematically threatens the foundations of society. This

⁹³ Robert Nozick, *Anarchy, State and Utopia* (1974).

⁹⁴ Indeed, governments can be dangerous when they are wrong and the citizen is right!

⁹⁵ As distinct from illegal plunder, such as theft or swindling.

type of plunder [i.e. socialism], against which the people must make war, can easily be identified:

See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.⁹⁶

The law, he continues,

defends plunder and participates in it. Thus the beneficiaries are spared the shame, danger, and scruple which their acts would otherwise involve. Sometimes the law places the whole apparatus of judges, police, prisons, and gendarmes at the service of the plunderers, and treats the victim – when he defends himself – as a criminal.⁹⁷

By applying the definition of ‘extortion’ to taxation, Frank van Dun shows that ‘taxation is the name we reserve for extortion by a government’:

Extortion: the act of a person who, by threats, forces another to hand over something that actually belongs to that other or to a third person.

Taxation: the act of a government that forces persons within her jurisdiction by threatening with confiscation of goods, deprivation of freedom or worse, to hand over something that is the property of themselves or of third persons.⁹⁸

Now suppose common people would resort to extort money from these organized gangs of thieves called governments ... But nobody is of course compelled to pay any money to the government, and besides, stealing back one’s own money is not at all illegitimate.

To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical. (*Thomas Jefferson*)

The uncontrolled obsession and urge of certain groups to gather power and wealth at the cost of the individual, and to use that power and wealth to control that same individual and his society, is only possible through oppressive legislation, the observance of which is, if necessary, enforced with the use of violence. This has eventually led to the coming into being of national dictatorships, regional totalitarian police states (like the EUSSR in Brussels), and international busy-body organisations (like the UN in New York), all of which reject, for obvious reasons, both democracy and natural law with all their might.

This applies especially to international organisations, for democracies would render them powerless. Organisations like the UN, for instance, can only exercise their power by threatening, intimidating and blackmailing governments, and this of course works very well when dealing with dictatorships, where the people are powerless.⁹⁹ Dealing with a democracy, however, is different cook, for it means literally dealing with the people because in a democracy the government is subordinate to

⁹⁶ Claude Frédéric Bastiat, ‘*The Law*’ (1850).

⁹⁷ *Ibid.*

⁹⁸ Prof. Dr. Frank van Dun, ‘*Recht en Rechtswetenschap*’ (in Dutch only).

⁹⁹ It should moreover be remembered that the said organisations are themselves dictatorships, that moreover have never been established with the consent or assent of the people, which makes them illegitimate.

them. The decisions of a democratic government are subject to the approval of the citizens, and those cannot be threatened, intimidated or blackmailed, nor do they fall in the many traps in the form of impertinent lies presented to them as truths by the said organisations. In short: international organisations, especially, benefit from dictatorships and they create, maintain and support them out of self-interest.

Given what is said above, it is obvious who reject natural law, and with all power try to prevent its introduction: those who are comfortably settled in positions of power and to whom natural law would form a direct threat, namely the establishment in general, but the politicians, magistrates and lawyers in particular. They base their rejection of natural law on a multitude of absurd arguments, but the true reason is that natural law, in contrast to positive law, would without mercy deprive them of all their illegitimate positions of power, and therefore also of their illegitimately acquired earnings and fortunes. But, rejecting natural law is not just showing contempt for the people, it is a downright criminal act. States under positive law are the largest and most dangerous criminal, even terrorist, organisations, run by a gang of immoral thugs that should be removed from society by jailing them for life.

It was stated earlier that the natural law system belongs to a democracy (a state based on rights) and that the positive law system belongs to a dictatorship (a state based on laws). The combination dictatorship-natural law is not possible, and the combination democracy-positive law is the farce we are currently the victim of. At present there is not one single state that bases its law system on natural law, but every system is of a purely positivist nature, from which follows that there are no democratic states. All (especially western) states that so eagerly call themselves democratic are in reality *particracies*¹⁰⁰, despite all the hollow statements of the politicians to the contrary. But then, politicians are but compulsive liars, who, so it seems, have nothing better to do than to mislead the citizens in accordance with the best machiavellian tradition. The citizens of these bogus democracies are constantly and deliberately being lied to, deceived and restricted in their rights and freedoms by incompetent mentally sick politicians, whose only interest is self-interest: a primitive satisfaction of their lust for power and self-enrichment. This is pleasure in the Platonic sense of the word.

The choice between natural law and positive law is actually the choice between a democratic nightwatchman state under natural law (freedom, rights and justice), and an authoritarian interventionist state under positive law (oppression, law and injustice), for if the conception of the state as defined by natural law is not accepted, then the state can only be a coercive body. The *raison d'être* of the state is not the enslavement of the individual¹⁰¹, but the preservation of the freedom of the individual through the protection of his natural rights. In the words of Spinoza (1632-1677):

The final end of the state is not to dominate men, nor to restrain them by fear, subjecting them to the will of others; rather it is so to free each man from fear that he may live and act with full security and without injury to himself or his neighbour. The end of the state, I repeat, is not to make rational beings into brute beasts and machines. It is to enable their bodies and their minds to function safely. It is to lead men to live by, and to exercise, a free reason; that they may not waste their strength in hatred, anger and guile, nor act unfairly

¹⁰⁰ Particracy: form of dictatorship where the absolute power is in the hands of political parties, not the people themselves. See section 2.3. (A Dictatorship in Form of a Particracy).

¹⁰¹ One should remember that the individual possesses full self-determination, from which follows that enslaving people (in whatever sense of the word) without a legitimate justification, constitutes a serious violation of natural law. See subsection 1.2.2. (Natural Rights).

toward one another. Thus the end of the state is really liberty.¹⁰²

The choice between natural law or freedom and positive law or oppression can and may only be made by the citizens themselves, others may not get themselves involved in this. The politicians in particular must be side-lined in order to prevent them from doing any more harm. In the first part of this work it was remarked that Plato had already warned the people that ‘one of the penalties for refusing to participate in politics is that you end up being governed by your inferiors’. This justifies the conclusion that politicians were already in the Ancient World regarded as inferior creatures who deserve no respect at all (and should therefore also receive none). Ah well, politicians do not belong to the intelligentsia, not even the lowest, and it must be true that evolution started with the politician, whereafter came the single-celled organisms ...

¹⁰² Benedict Spinoza, *A Political Treatise* (1677).

2.2. Sovereignty

2.2.1. Sovereignty rests with the People

A state is the regulatory association of a nation, a group of people who share a common identity as determined by language and culture (alternatively, a body of human beings belonging to the same linguistic stock and having the same culture¹⁰³). The sovereignty of a state rests with the nation or people who form that state within the bounds of their territory (if they have one), of which they alone are the rightful owners. The sovereignty rests not with the government or parliament, because both are public servants to the people and not their public controllers. Consequently it are the people that control both the government and parliament.

2.2.2. On an International Level

On an international level (in relation to other nations), sovereignty implies that all nations have a natural right to full independence or self-determination. This unexpectedly appears to be confirmed in the second paragraph of the first article of the Charter of the United Nations:

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

The Charter does not explicitly state that the principle of self-determination is a (natural) right, but this might be deduced from the wording. The first article of the International Covenant on Civil and Political Rights, on the other hand, confirms that this principle is indeed a (natural) right:

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

The article confirms that a nation is sovereign in regard to both other nations (external sovereignty) and to herself (internal sovereignty). This implies that the natural right of a nation to maintain, protect and promote her own identity, includes the right to reject and expel immigrants who refuse to assimilate (that is to say) to fully and unconditionally integrate.

¹⁰³ Customs and usages are often wrongly equated with culture. They form part of a culture, but usually differ per region within a culture, and can (and actually do) change over time, without affecting the culture as a whole.

From the article may further be deduced that a nation not only has the right to *be* independent (and to defend that independence), but also that she has the full right to *seek* and even *enforce* independence. If a government is unwilling to give a group of people who form a nation in her own right that what they are, by nature, entitled to, namely self-determination, it can, and often does, lead to a war of independence.¹⁰⁴ This would be perfectly legitimate, but sometimes those who strive for independence resort to terrorism,¹⁰⁵ which is dead wrong. Terrorism is a major violation of natural law and a most heinous and hideous crime, and terrorists are not only criminals, they are also cowards, for terrorism is the underhanded war of the pathetic little weasel, not that of the gentleman. Note that terrorism is also defined as “*A system of government that seeks to rule by intimidation*”,¹⁰⁶ and exactly that is what governments (including those in the Western world) are currently engaged in, albeit that they commit their evil deeds in a more subtle manner than ordinary terrorist organisations. It are indeed often governments that incite terrorism through their immoral attempts to satisfy their hunger for power. The terrorists attacks by the Basque ETA, for example, would immediately stop if the Basque people, who after all constitute a nation in her own right, were given back their self-determination; but through their immoral and tyrannical attitude the Spanish and French governments are indirectly responsible for and also guilty of the many victims of ETA terrorism.¹⁰⁷ But blaming terrorist organisations alone for their bloody actions is an easy way for governments to shirk their responsibility.

And indeed, many governments, and these include Western governments, do not observe the right contained in the quoted article; and all but a few of them are, through their socialist nature, not averse to implement any policy that aims at the destruction of the native nations that, often as a result of wars of conquest and/or undemocratic decisions, happen to live within the bounds of their states. While true nation states hold within their borders only one nation, multi-national states are artificial nations that are composed of two or more natural, native nations, whereby the dominant nation, regarding herself superior, commonly imposes her own identity (language and culture) on the others, which then inevitably leads to the destruction of the other nation(s). This intentional or non-intentional policy is known as *ethnocide*,¹⁰⁸ defined as:

The commission of acts of specified sorts, violent or non-violent, by a dominant nation within a state with the overt or covert intention to obliterate, utterly or in substantial part, another nation through a coercive and often sneaky policy of assimilation.

Among such acts are the deprivation of the opportunity to maintain without interference the native culture and language. The difference between genocide and its legalised form *ethnocide* is, that the former involves the deliberate physical destruction of a group, while the latter implies the deliberate suppression or elimination of a native culture and language without actually killing the bearers of that nation’s culture and the speakers of her language. Since immigrants are no natives, *ethnocide* cannot be committed on them,¹⁰⁹ for they are by nature obliged to assimilate with the native culture

¹⁰⁴ In the American Declaration of Independence of 1776 the colonists justified their separation from England with an appeal to natural law.

¹⁰⁵ The intimidation of innocent citizens (commonly through violence) in an organised attempt to wring a political decision or to overthrow a government.

¹⁰⁶ Webster’s Comprehensive Dictionary of the English Language.

¹⁰⁷ The same applies to the current outburst of Muslim terrorism. Since the Islam is not a religion, but a political ideology whose doctrine is *disguised as a religion*, it is in fact a war between tyrannical political systems that is now taking taking place, of which innocent people are the victims.

¹⁰⁸ The word *ethnocide* is made from the Greek word ‘*ethnos*’ (nation) and the Latin ‘*cide*’ (killing).

¹⁰⁹ This would only apply to the so-called multi-cultural state, but see the following paragraph.

and language of the nation whence they have immigrated, or else seek their fortune elsewhere.

The multi-national state eventually leads to the extinction of all but one of the nations within her borders. The multi-cultural state however, which the socialists are so hysterical about, is a nightmarish utopia. This type of state is a ridiculous socialist invention and another example of how the socialists try to shape society after their own utopian (better: lunatic) ideas. A multi-cultural state can develop naturally, but any attempts to create such a state can only yield an artificial state that causes a complete disruption of society which inevitably leads to anarchism. The artificial multicultural state has meanwhile indeed proven to be a grand failure, that has moreover caused major damage to many Western societies, which will take years to repair. Thomas Jefferson (1743-1826), that powerful American advocate of liberty,¹¹⁰ had understood this well when he concluded that “Two races, equally free, cannot live under the same government”.

2.2.3. On a National Level

Since the natural rights are individual rights, sovereignty not only rests with a nation as an entity in relation to other nations, but also with every individual within and belonging to a nation in relation to his government. From this follows that all power lies in the hands of the people individually and collectively: the people are in charge, they alone rule and govern the nation and their territory.

However, in order to relieve themselves of the daily business of running the nation, they have decided to choose and elect from among themselves a general manager (called head of state) to do that on their behalf, and to which end they have lent him some of their powers. The manager in his turn has appointed a number of assistants (called ministers) to help him in running the nation. The head of state together with his ministers form the government of the state.

The people have also chosen and elected from amongst themselves a number of persons to act as their representatives (collectively known as Parliament), to control the government in order to prevent abuse of power, to assist the government in her tasks, and to inform her of their demands, requests and wishes. And so the people have also lent some of their powers to those representatives.

It must be well understood that by *lending* a part (but not all) of their power to the government and to parliament, the people do *not* relinquish (or cede) their powers. Which would be impossible anyway, because that power is inalienable, which means that the people could not even surrender it if they wanted to. All power remains therefore indefinitely in the hands of the people, they only allow others to use some of it temporarily and only for the end it was given. This is expressed as follows in second section of the Virginia Declaration of Rights of 1776:

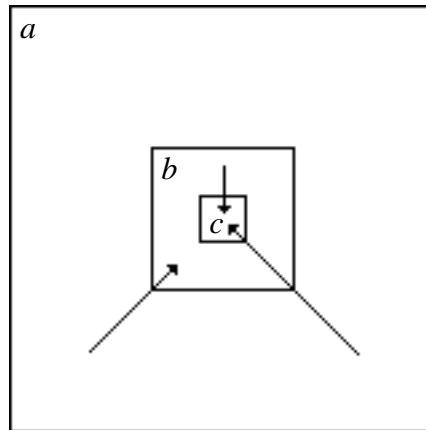
Section 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

The government herself has only a very limited competence to make decisions. On more important issues she cannot make any decision without the consent or assent of parliament, whose own competence is in the nature of a delegation from the people. Issues of major importance can only be decided on by the government after a *direct consultation* of the citizens by means of a *referendum*,

¹¹⁰ He became the third president of the USA (1801-1809).

the outcome of which is always binding.¹¹¹

The scope of the respective competences are illustrated in the picture below. Square *a* represents the people, who own all the power by natural right and who command their representatives in parliament as well as their managers in the government. Square *b* shows the smaller amount of power of parliament, who must obey the people and command the government. Square *c*, finally, shows the even smaller power of the government, who must obey both the people and parliament.



The picture also shows that the members of the government and those of parliament form part of the nation, of the people, and that they are nothing special, least of all the gods they usually imagine themselves to be.

2.2.4. Natural Right to Revolution

Even if a government's decision rests on her own competence, or when a decision was taken in cooperation with parliament, then the people are still able to stop such a decision from being executed by using their *right of petition*, and through that to force the government to issue a binding referendum on the matter. Both the government and parliament must respect the will of the people by honouring that petition and by complying with the results of the referendum, whether it suits them or not.

Since governments depend upon the widespread belief in their legitimacy in order to rule, despotism could be peacefully overthrown by refusing to cooperate with the state.
(*Etienne de la Boetie*)

If a government still does not respond, then the people have the right to remove either the government or their representatives in parliament, or both, in the very same way the master has the right to discharge a disobedient servant. As said before, there is no such thing as 'civil disobedience', but government and parliamentary disobedience surely do exist.¹¹²

Sovereignty is an inalienable right, which means that it can never be either taken or given away. Those European governments that have forced their citizens to join the EUSSR without consulting them beforehand, and without having first asked their consent or assent through a referendum, have

¹¹¹ The consultative referendum is in fact a hoax, for it allows a government to yet disregard the will of the people.

¹¹² See also subsection 1.3.3. (Validity of Laws, heading 'No obligation to observe invalid laws').

therefore grossly exceeded their competence, and abused their positions and powers. The governments that have surrendered the nations behind the people's backs have in fact sold a good that was not their property, and since this constitutes a wrongful act,¹¹³ the EUSSR membership of such states is invalid and therefore null and void. This equally applies to anything that results directly or indirectly from that membership, such as the euro currency. Consequently no citizen has any obligation to abide by any European law, regulation or directive.

Since the sovereignty rests with the people, and given that both the government and parliament are only elected by the citizens to manage the daily business of the nation on their behalf, it is a natural right and a natural duty of the citizens to overthrow a destructive and/or tyrannical government with the aim the restore order and/or democracy. To achieve this goal, armed violence against such a government and/or parliament, as the final resort when all other means have been exhausted, is morally acceptable, under the strict condition that no damage whatsoever is caused to innocent citizens and their properties, for otherwise it would be a form of terrorism.

In regard to the right to revolution, Thomas Aquinas wrote that:

God constituted kings to rule and govern, and to secure to everyone the possession of his rights. But if kings, turning things to their own profit, should act otherwise they are no longer kings but tyrants.

It is natural that men brought under terror [of a tyrannical government] should degenerate into beings of a slavish disposition, and become timid and incapable of any manly and daring enterprise – an assertion which is proved by the conduct of countries which have been long subjected to a despotic government.

The farther the government recedes from the common weal, the more unjust is it. It recedes farther from the common weal in an oligarchy¹¹⁴, in which the welfare of a few is sought, than in a democracy, whose object is the good of the many. But farther still does it recede from the common weal in a tyrannous government, by which the good of one alone is sought.

If a ruler governs a multitude of freemen for the common good of the multitude, the government will be good and just as becomes freemen. Therefore, the government of one is to be preferred – which is the best – and because this government is liable to degenerate into tyranny – which has been proved to be the worst – hence, the most diligent care is to be taken so to regulate the establishment of a king over the people, that he may not fall into tyranny.

Tyrannical government is unjust because it is administered, not for the common good, but for the private good of the ruler. Therefore, the overthrow of this kind of government is not properly called sedition, unless perhaps it produces such disorder that the society suffers

¹¹³ Compare this situation to the following: a busy house owner appoints an administrator to look after his house and to run the household. Although that appointment does not make that manager the rightful owner of the house, he yet decides to sell the house to an interested buyer (e.g. an estate agent). Under civil law this would be a wrongful and therefore invalid act.

¹¹⁴ And its modern form, the particracy.

greater harm from the resulting disturbance than from the tyrant's rule.¹¹⁵

Note that although Aquinas still recognises the medieval idea of the 'divine king' (the king chosen by God), he considers it not wrong to abolish a king who rules as a tyrant. The Scottish Declaration of Arbroath of 1320 follows the same idea by recognising and acknowledging the natural right to revolution:

Yet if he [King Robert de Bruce] should give up what he has begun, and agree to make us or our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King; for, as long as but a hundred of us remain alive, never will we on any conditions be brought under English rule [...].

It is remarkable that this part of the Declaration, with only few simple substitutions, can be perfectly applied to our own times:

Yet if he [our President] should give up what he has begun, and agree to make us or our republic subject to the President of the EUSSR or the Europeans, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our President; for, as long as but a hundred of us remain alive, never will we on any conditions be brought under European rule [...].

In the 17th century, John Locke (1632-1704) affirmed an explicit right to revolution. He expressed the view that government is morally obliged to serve people by protecting life, liberty, and property. He explained the principle of checks and balances to limit government power, favoured representative government and a rule of (natural) law. He denounced tyranny, and insisted that when government violates individual rights, people may legitimately rebel:

[...] whenever the legislators endeavour to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God has provided for all men against force and violence. Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and by the establishment of a new legislative (such as they shall think fit), provide for their own safety and security, which is the end for which they are in society.¹¹⁶

A government that betrays her trust by no longer showing respect for the natural rights of the citizens, is dissolved, and the people "are free to erect a new one and to oppose those who claim authority under the old one" (that is, to revolt). The Virginia Declaration of 1776, quoted before, expresses this principle as follows:

¹¹⁵ Thomas Aquinas: *De Regimine Principum* [On Kingship or The Governance of Rulers]' (1272-1274).

¹¹⁶ John Locke, *Two Treatises of Government*, 1690, Book II, Paragraph 222.

Section 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

This Declaration provided the basis for the American Declaration of Independence of 1776, in which the right to revolution is worded and justified as follows:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

The right to resist oppression would 13 years later again be confirmed in the second article of the Déclaration des Droits de l'Homme et du Citoyen of 1789:

2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

The Universal Declaration of Human Rights declares the same in her preamble, and even regards the human rights as the only guarantee that the ultimate means of violence need never be used:

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of [positive] law, ...

It is quite ironical, to say the least, that the positive human rights themselves are tyrannical and oppressive rights.

2.3. A Dictatorship in Form of a Particracy

2.3.1. Introduction

All (especially western) states that call themselves democracies are in truth particracies. A particracy is a form of dictatorship where the absolute power is in the hands of political parties, which is not only discouraging to the people, but it also leaves them feeling powerless as the result of the inability to participate in decision-making. A particracy resembles an oligarchy, with this difference that in an oligarchy the power is in the hands of a group of persons.

Political parties are actually powerful pressure groups in their own right, whose aim is to impose their own views, based on an accepted ideology and the resulting doctrine, upon a whole society. Since political parties are (mainly) composed of politicians, they are extremely detrimental, for political behaviour is characterised by unscrupulous cunning, deception, expediency, and dishonesty. Politicians put political expediency above morality, and approve of the use of craft and deceit to maintain their authority and to carry out their policies; they deliberately manipulate and mislead the people in order to achieve their own personal goals, which are generally of a quite immoral nature.

2.3.2. Destructive Nature of Political Parties

The formation of political parties is the result of the desire to, and the strive for concentration of power by certain elites. Apart from the fact that such is at variance with the principles of democracy, it also and inevitably leads to undesired excesses, for political parties:

- decide, with the exclusion of all others, who is allowed to participate in the political process (decision-making). From this follows that those who desire to participate, are compelled to become a member of a political party. Most people, however, cannot or will not associate themselves with the (entire) ideology of any party, and therefore do not join. Those very few who, driven by their ambition, do join, but remain upright, run the risk of becoming dissidents at some time or another. Political parties thus lock out the majority of the people from partaking in the political process.
- attempt to impose their own accepted ideology (worldly or religious) onto the whole society without any respect for those with different views and different interests.
- give precedence to party political interests instead of to the public good. A multipolar political system (left, central, right, religious, etc.) naturally causes an inconsistent policy, for the winning party (or parties) decide what, within the context of their ideology and doctrine, are the objects of policy and how those policies are implemented.
- cause uncertainty and eventually disbelief and disappointment amongst the citizens as a result of the party objectives as laid down in party programs, that can never be realised and that are not intended to ever be realised. Moreover, after every general election there is often a new ‘winning’ party, that discontinues the old policies and deals with all problems in her own peculiar way. This causes loss of confidence in politics, and thus a further widening of the gap between the politicians and the people.

- constantly cause discord, which often results in the work of the government and parliament coming to a standstill, and this in turn causes no regulation or flawed regulation (the result of compromises) to be brought about. This is very damaging to both the society and to the individual citizen.
- often use the so-called agreement mechanism, which allows two or more parties (that may have lost the elections) to cooperate for the occasion, with the aim to prevent another party (that may have won the elections) from coming to power, or to prevent a party already in parliament from having it her way. This is not only incompatible with the principle of democracy, it has also turned the possibility of real opposition into a farce.
- provide and compose the government if they have won the elections, which in effect means that the nation is ruled by one or more cooperating parties, who form both the government and the majority in parliament. This is a very comfortable position for the government, for she has no opposition to fear and worry about: as long as her own supporters (the majority in parliament) show no rebellious tendencies, she can simply do as she pleases.

These points provide clear proof that a particracy is a pure form of dictatorship, and that she can never be a democracy. For in a democracy the government and parliament are two different things, fully separated from each other, and each having its own clearly defined powers and tasks: the government governs, and parliament checks and corrects the government on behalf of the citizens.

2.3.3. Conclusion

Since politicians are only obsessed with (exercising) power,¹¹⁷ a system with political parties inevitably leads to a dictatorship in form of a particracy. The goal of political parties is not to serve the people, but to serve party political self-interest, and the destructive nature of political parties thus springs in essence from the strive and the lust for power, and the satisfaction thereof. It is therefore not surprising that the only thing politicians are good in, is in destroying our (*not* their) societies. People should not let them, but instead stop or if necessary fight them.

Political parties are only interested in the (potential) voters during the election period, using party political propaganda as a means to win votes; outwith that period they (the voters) do not exist. But it is always fascinating to watch the pathetic little politicians beg for the voters' favour during election time: even the best soap opera cannot compete with that reality programme! It would make great entertainment, were it not that those politicians and their parties are extremely detrimental to society and to the citizen. The only thing they are good in, is in demolishing the confidence in politics, with the sole result that the gap between the citizens and politics is further and further widened until that gap can no longer be bridged.¹¹⁸ No interest is served by this.

Undermining of the democracy by allowing the formation of political parties contains for all of us serious dangers to a balanced decision-making where the common interest is in the foreground. That undermining has resulted in the bogus democracies of today, built by politicians for politicians, that

¹¹⁷ It is strongly recommended that every person that desires to enter into politics must first undergo a compulsory psychological test (this only applies to a dictatorship, for in a democracy the species of politician is unknown). There is a wee problem though, namely that most psychologists are psychopaths themselves.

¹¹⁸ This stage has meanwhile been reached: the thin string that connects the citizens with the rulers is broken, and can only be repaired through the establishment of a democracy.

are driven by political self-interest and attempts to manipulate public opinion. Bogus democracies (wolves in sheep's clothing) are veiled forms of dictatorship of a certain majority, or even of a certain minority.¹¹⁹ All those assertions by the politicians that "our democracies are under attack" are humbug, for the simple reason that something that does not exist, cannot be attacked.

A democracy is a completely depoliticised society and knows a total ban on the forming of political parties (the natural right to freedom of union, in so far this does not concern political unions and aims, is of course maintained). Social, economical and other problems must be answered from the viewpoint of the public good (the common weal), without narrowing left-wing, central-wing, right-wing and religious ideological blinkers. This is only possible in the absence of political parties, and when the (attempted) influence of religious and other interest groups on policy-making is ignored or suppressed.

¹¹⁹ Such as pressure groups (like trade unions, human and animal rights organisations, etc.) and, to a lesser extend, lobby groups.

2.4. A Democratic Form of Government

2.4.1. Introduction

In a democracy, the local electoral committees play a key role. They keep record of all enfranchised citizens in their local communities (constituencies); collect and filter all demands, requests and wishes of those citizens and compile a list thereof; they call candidates who want to represent their communities in Parliament and see to their interests, and put them on the list; they conduct the elections and recalls; guard against electoral fraud; etc.

Since a democracy knows no politicians, a member of parliament acts truly as an independent representative of the people who elected him. He has no will of his own, but is literally his masters' voice and obeys his electors. A representative therefore performs his task 'by commission and consultation'. 'By commission' implies that he is bound by the list of demands, requests and wishes of his electors, and that he is accountable to them for all his actions. 'By consultation' means that a representative must regularly consult with his electors about important issues.

In a democracy not only the representatives in parliament are directly elected by the people, but all public administrators on all levels of government as well. It is further typical of a democracy that everyone who is elected can also be recalled at any time for good reason (e.g. a head of state who disfunctions, a representative who disregards the orders of his electors, an administrator who makes a mess of his job, etc.).

2.4.2. Description of a Democratic Political System

The form of government described below fully meets the requirements of a democracy. In accordance with natural law, the sovereignty of the people is recognised, acknowledged and secured; the separation of the three powers, to prevent any conflicts of interest, is absolute: each power has her own competence in which the other two powers may under no condition step.

The description is concise, undetailed and incomplete, and only serves as an indication of how a democratic, transparent, simple yet effective and efficient political system can be realised. This, together with a description of a justice system with the same characteristics (in the next chapter), provides a good idea of how a democratic state (legislature, executive and judiciary) should look like and function.

1. The People (*Citizens*)

The sovereignty rests with the citizens alone, for they possess the highest power in the state and thus *all* the power. They alone determine how the state is run, and their will must always be obeyed by the government and by parliament (unless, perhaps, that will is utterly unreasonable).

They have the right and power to elect and recall the head of state, and to demand the resignation of his vice head of state and/or any or all of his ministers. They also have the same right and power to elect and recall their representatives in parliament.

They have the right and power to take all matters in their own hands if the government and/or parliament have become destructive and their acting proves detrimental to the interests of society, and/or if that acting does not comply with the demands, requests and wishes of the citizens.

They have the right of petition to demand a binding referendum from the government, either through Parliament or directly, and from parliament at any given time on any given issue or decision. They likewise have the right of initiative to draft new laws themselves and to abolish others, if parliament refuses cooperation.

2. The Parliament (*Legislature*)

Parliament is the supreme authority in the state, though subordinate to the citizens, and consists of one house only, the House of Representatives. Her members represent the local communities (constituencies), control the government on their behalf, and guard their interests. Parliament passes or abolishes laws, votes for taxation, debates government policy and administration and any other major issues, and appoints and discharges the members of the Judiciary on behalf of the citizens. The Speaker of the House has the power to dissolve the parliament, and, with the consent of the people, to discharge the president.

The **Members of Parliament** are directly elected on their own merit for a fixed term in periodical elections by the people of the local community they will represent. They must either be born and raised within their community or have become a full member of their community and been acknowledged as such.

Representatives have an own competence, but are yet the voice of the community that elected them, and must act by commission and consultation of their electors; in case of major issues they are obliged to call a referendum. They are at all times accountable for their acting and failing, both individually to their electors and collectively to the nation as a whole. Representatives may not occupy any other public or private function.

Representatives can at any time and for good reason be recalled by their electors. After a community has recalled her representative they immediately elect a new one, who then sits in Parliament for the rest of the fixed term.

3. The Government (*Executive*)

The government consists of the head of state and his ministers, who rule and govern the nation on behalf of the people and with the approval of parliament.

The **Head of State** is directly elected for a fixed term by the nation in periodical elections, and he appoints his vice head of state and his ministers.

He is independent and neutral, and has, or at least shows, no political and religious affiliations. Neither he nor his vice head of state may occupy any other public or private function.

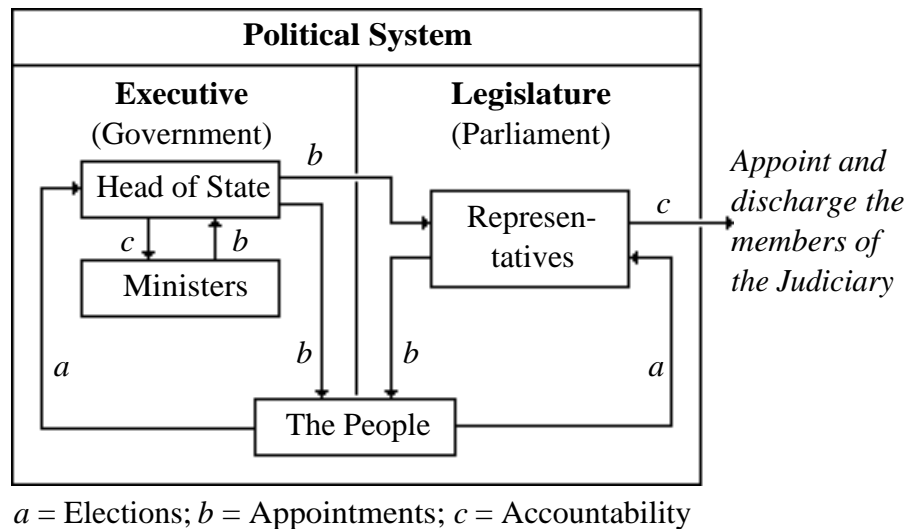
He has an own competence, but on issues outside his competence he must consult with parliament, or with the nation by calling a binding referendum. He is at all times answerable to the nation, either through parliament or directly, for his own acting and failing and for that of his vice head of state and ministers.

He can at any time be recalled by either the nation, or by parliament with the consent of the nation. He can for good reason discharge his vice head of state and any or all of his ministers, either of his own accord, or by order of the nation, either through parliament or directly, or by order of parliament acting with the consent of the nation. He can in unusual circumstances dissolve parliament with the permission of the nation.

The **Ministers** are appointed by the head of state, and they can at any time and for good reason be discharged by him. Ministers have own competences, but must consult with the head of state on issues outside that competence. They are at all times accountable to the head of state for their acting and failing, either individually or collectively. Ministers may not occupy any other public or private function.

4. The Courts (*Judiciary*)

The judiciary consists of the court and the public prosecutor. The court consists of three national courts, each on their own level, namely the Common Court, the High Court, and the Supreme Court. The last court of appeal is the Sovereign Court, which is a supranational court. The judiciary determines common law through trial of crimes and offences, and decisions on conflicts, and interprets Acts of Parliament and other laws and regulations.



3. The Justice System

3.1. Defective Legal Systems

- 3.1.1. Obsolete Organisations and Procedures
- 3.1.2. Failing Criminal Systems
- 3.1.3. Capital Punishment

3.2. Revision of the Legal System

- 3.2.1. Introduction
- 3.2.2. Compulsory Arbitration
- 3.2.3. Structure of a Justice System (Natural Law)

3.3. The Sovereign Court of Justice

- 3.3.1. Raison d'Être
 - 3.3.2. Nature, Tasks and Powers
 - 3.3.3. A Sovereign Institute
 - 3.3.4. The Chambers
 - 3.3.5. The Procedures
-

3.1. Defective Legal Systems

3.1.1. Obsolete Organisations and Procedures

Virtually all states suffer from obsolete and obscure legal systems. These systems (organisation, procedures) are often based on ‘ancient’ traditions, and as a result have become so complicated that even experienced lawyers have trouble finding their way to the competent court, and moreover get lost in a jungle of prescribed procedures with their entangled rules. Traditions, including legal ones, are fine and should be maintained as long as they are valuable, but as soon as they turn into some kind of folklore that causes more damage (=injustice) than good (=justice), they should immediately be abandoned. Lord Hope of Craighead, Lord President of the Scottish Court of Session, once put it thus:¹²⁰

The legal system of a country is of no value unless it is accessible to all its citizens. It must be available for use by them and it must be intelligible. Those who require access to it must be able to understand its system and procedures. Its vitality depends upon the service which it provides to ordinary people up and down the country, and especially to those who need to make use of it for the first time.

Modernisation and simplification of the whole legal system (organisation, procedures, codes of law, statutory laws and regulations), turning it at the same time into a system of natural law, results not only in a true justice system, but also in a more flexible one. Since a natural law system requires far less, and far less detailed, laws and regulations than a positive law system, the introduction of natural law (especially in a state previously based on positive law) will show a significant drop in the number of laws, paperwork and bureaucracy. This process, which is the first step to a minimal and thus cheap government, will moreover make the system transparent for lawyers and citizens alike, and through that, increase accessibility and the level of legal security.

3.1.2. Failing Criminal Systems

Both the investigative judge-based system and the adversarial jury-based system frequently produce serious miscarriages of justice as a result of a number of reasons. Miscarriages of justice always result in innocent people being detained for a certain period, or even for the whole rest of their lives, or in guilty people being acquitted. Neither is acceptable, for in both cases gross injustice is done, but especially, as often happens under positive law, when wrongfully convicted people are no longer heard and even denied the right to a renewed indeep and independent inquiry after the final verdict.

Miscarriages of justice are generally caused by a combination of shortcomings that typify a legal system, such as:

1. Laws are based on positive law rather than on natural law

In a positive law system, man (=the politician) is the maker of all law, and the laws he makes are based on his will alone. Man can will anything, but man can also err, and this frequently results in unjust laws, which explains the huge difference between justice and the

¹²⁰ In the foreword to ‘The Legal system of Scotland’, by Derek Manson-Smith

law under positive law. The judge who operates under this system must yet observe unjust laws because he is not allowed to test any law for her internal morality, and may not declare an immoral statutory law invalid. The citizen is given no equal chance, which makes him the eternal loser, while the politician is quite conveniently the eternal winner.

2. Judges are bound, and not always independent and impartial

- a. judges are bound by the (man-made) law in their rulings, so that in certain cases it is utterly impossible to come to a just and righteous ruling without violating the law;
- b. judges are civil servants, often appointed by the government, and they will thus do nothing to displease that government in order not to jeopardise their careers (“you don’t bite the hand that feeds you”);
- c. judges can be members of a political party or of a religious community, or sympathise with a certain political or religious doctrine, and consequently they shall (be inclined to) base their decisions on the ideology or doctrine they adhere to, or simply decide in favour of their own party out of loyalty, or for their own benefit;
- d. judges often occupy other public and private functions. In certain cases this causes severe conflicts of interest, and some judges prefer to rule in favour of the highest bidder instead of in accordance with justice. Immoral and corrupt judges (who often remain undiscovered for many years) pose a huge threat to the (credibility of a) law system.

3. Judges are not always competent and capable of performing their tasks in accordance with the required standards

They may not be suited for their task in general, have too little contact with reality, are too old to understand what is really going on, are other-worldly, prefer their own personal moral conceptions, lack good feeling of what is right and what is wrong, are indifferent, deprived of reason, demented, etc.

4. Circumstantial evidence is often accepted as physical evidence

No verdict, no conviction may ever be based on circumstantial evidence alone, for such evidence does not prove a thing. Verdicts and sentences must in all cases be based upon physical evidence only, which must have yielded proof beyond any doubt. Circumstantial evidence may only serve as the basis for further investigation (because “there is no smoke without fire”). In case of absence of physical evidence the accused must be granted the benefit of the doubt.

5. Unqualified scientific experts

Juries and judges often rely on the testimonies of scientific experts, who may afterwards prove to be no experts at all, or whose expertise is way below standards. This results in the court receiving wrong information, which inevitably leads to a wrong, or even an undeserved conviction.

6. Bad criminal and/or judicial inquiry

A bad police investigation or a bad court inquiry, or both, can be the result of incompetent,

indifferent or even corrupt police investigators, prosecutors and/or judges, and/or of certain legal restrictions imposed on investigators while doing their investigation. Apart from this, corrupt and malevolent attorneys and busy-body politicians can also play a detrimental or even destructive role in truth-finding.

7. Not all crimes are laid down in laws

Under positive law, laws can become obsolete because society no longer regards the crimes they describe as crimes. On the other hand, 'new' crimes and their penalties can not yet have been recorded. Given the sluggishness of a legal system it is impossible to rapidly abolish obsolete laws, and to make new laws that deal with 'new' crimes at the moment this is required. The slow reaction of the system to new developments results in people being punished for acts which are actually no crimes (anymore) and in people being acquitted because the crime they have committed does not yet exist (according to the positive law). Since natural law is eternal law, it is known of all acts whether they are criminal or not. Natural law therefore knows no 'new' crimes, which makes a time-consuming drafting and passing of a new law before any person can be charged, tried and sentenced, unnecessary.

8. Wrong jury verdict

A jury-based system puts the verdict (the decision whether a person is guilty or not guilty) in the hands of a jury, and the judge has to pass sentence accordingly. The right to be judged by one's own peers may be an ancient tradition, but it also very easily causes miscarriages of justice, which in some states even results in the execution of innocent persons.

Jurors are common people who often lack the necessary and essential knowledge of the legal and criminal systems, of law in general, of philosophy of law, of psychology (or even normal insight into human nature and behaviour), and of legal jargon. They often have no idea of how to interpret the backgrounds that have led to a crime or offence, and may become emotionally involved. They may be biased, are easily bluffed by professional lawyers (defender and prosecutor), and they can even be bribed. All this makes the danger that the jurors come to the wrong verdict uncannily real, which is proven over and over again.

3.1.2. Capital Punishment

Miscarriages of justice occur over and over again. They can hardly be prevented from occurring, and that is the main reason that capital punishment may never be (re-)introduced. The death penalty is an irreversible punishment, that can neither be financially compensated. Putting a person to death who is later yet proven to be innocent is unacceptable, for that would not be justice, not even injustice, but a criminal act.

Some argue that the natural right to life automatically implies that capital punishment is not allowed, but that is not true. Under natural law all free people exercise their natural rights without restrictions, and free people are those who have not unjustly violated the natural rights of others. An individual who has committed an offence or crime (that is, has violated another person's rights without justification), faces the suspension of (or forfeits) his right to exercise one or more of his secondary rights for a while or forever: he, for instance, may lose his right to move around freely in society (gets jailed) for a limited period or for the whole rest of his life, or he may forfeit the right to

a certain portion of his capital (gets fined). It is however also possible that a crime committed is of such a hideous nature that justice demands that the perpetrator cannot even be allowed to any longer exercise one or all of his primary rights, and that would de facto mean the death penalty.

But, the execution of an innocent person by sentence of the judge must be deemed a criminal act committed by the state, and should backfire on the judge, in that he himself must be executed for having commissioned murder: after all, he is fully responsible for every mistake he can be blamed for. But, since natural law is about justice and retribution, and not about law and revenge (typical of positive law), justice would not be served by this.

Capital crimes yet demand a capital punishment, and a 'safe' alternative would be some form of symbolical death penalty. Such an acceptable alternative would be lifelong solitary detention in a specially for that purpose built secure prison. Lifelong solitary detention is the heaviest punishment imaginable, for the lives of those convicted to this punishment must be regarded as having ended. Would, however, their innocence later still be proven, then the verdict can still be reversed and due compensation awarded (such a blunder rarely happens under natural law, for this law is extremely careful).

3.2. Revision of the Legal System

3.2.1. Introduction

The development of a modern justice system or the transformation of legal system (positive law) to a justice system (natural law), with a simple yet effective and efficient structure and easy to follow transparent procedures may be time-consuming but not difficult. Where there is a will, there is a way, but unfortunately, to the disadvantage of the citizens, the politicians have neither the will nor the wish nor the courage to make any changes. And in the rare case that there is a (good) will, things go terribly wrong, as they commonly do when politicians are involved. Obsolete, complex and chaotic legal systems are apparently only maintained to keep judges, prosecutors and lawyers off the streets, and to guarantee them magnificent careers with much power and money to the disadvantage of the citizens.

Revision of the system not only applies to its structure and the procedures, but also to the codes of law, the separate statutory laws and other regulations: many of these are unnecessary, others are far too detailed and should be redrafted. In Voltaire's words: "Do you want good laws? Burn yours and make new ones!"

3.2.2. Compulsory Arbitration

In a justice system (natural law), the parties that are at variance must first try to settle their dispute amongst themselves. If this proves not possible, or not possible in a peaceful manner, then the next step, before they can put the case before the judge, is an appeal to an arbitrator. Since the arbitrator deals with minor cases that do not really require a judge, arbitration relieves the courts and allows judges to concentrate on major cases. Arbitration is compulsory in regard to administrative and civil cases and, under certain conditions (only light offences committed by first offenders, e.g. shoplifting), to criminal cases. The arbitrator does not actually decide the case himself, but only assists in achieving this by, for instance, adapting a solution one party has proposed but which was rejected by the other party, so that it becomes acceptable to that other party; or by presenting the parties with alternative solutions. If both parties agree to a solution, then they are bound by their decision and the case is closed; if not, they can put the case before the court and let the judge decide the case for them.

3.2.3. Structure of a Justice System (Natural Law)

A justice system consists of three national courts (Common Court, High Court, Supreme Court), and one supranational court (Sovereign Court), as follows:

1. The Common Court (*Court of first instance*)

The Common Courts are the courts of first instance, of which there exist three, each with her own general jurisdiction:

- **Administrative Court**, for administrative cases
Deals with disputes between a citizen and the authorities acting as such.

- **Criminal Court**, for criminal cases
Deals with crimes and offences.
- **Civil Court**, for civil cases
Deals with disputes between citizens, or between a citizen and the authorities acting as a civil party.

Each court is composed of one or more chambers, with each chamber having her own exclusive jurisdiction. The Criminal Court, for instance, has a chamber that deals with major crimes, one that deals with minor crimes, and one that deals with offences. There are no courts of special jurisdiction (tribunals), but a representative of a specialised profession or branch can always form part of the court as judge (e.g. a military judge).

These chambers sit as local chambers of a district court in fixed locations within the jurisdictions of the Courts of Appeals they belong to. There can also be itinerant chambers that travel to different parts of their districts.

2. The High Court (*Court of Appeals*)

The High Court is the court of appeals from the Common Courts. This court re-investigates cases, and confirms or quashes verdicts and/or sentences of the courts of first instance within her jurisdiction. The conclusions reached by this court act as precedents for rulings of the lower courts, so that a uniform application of the law can be achieved.

The High Courts sit in fixed locations within their own jurisdiction.

3. The Supreme Court (*Court of Cassation*)

The Supreme Court is the highest national judicial authority, and guards the unity in the administration of justice and in the application of laws in last instance. She acts as the appeal court from the High Courts and is the last national court of appeal. The Supreme Court performs no re-investigation of a case, but only checks for errors in the procedures (technicalities) of the High Courts. If any are found, the verdict is annulled and the case is referred back to the High Court for retrial, else the ruling will be confirmed. This court also decides in constitutional cases.

There is only one Supreme Court, which usually sits in the capital.

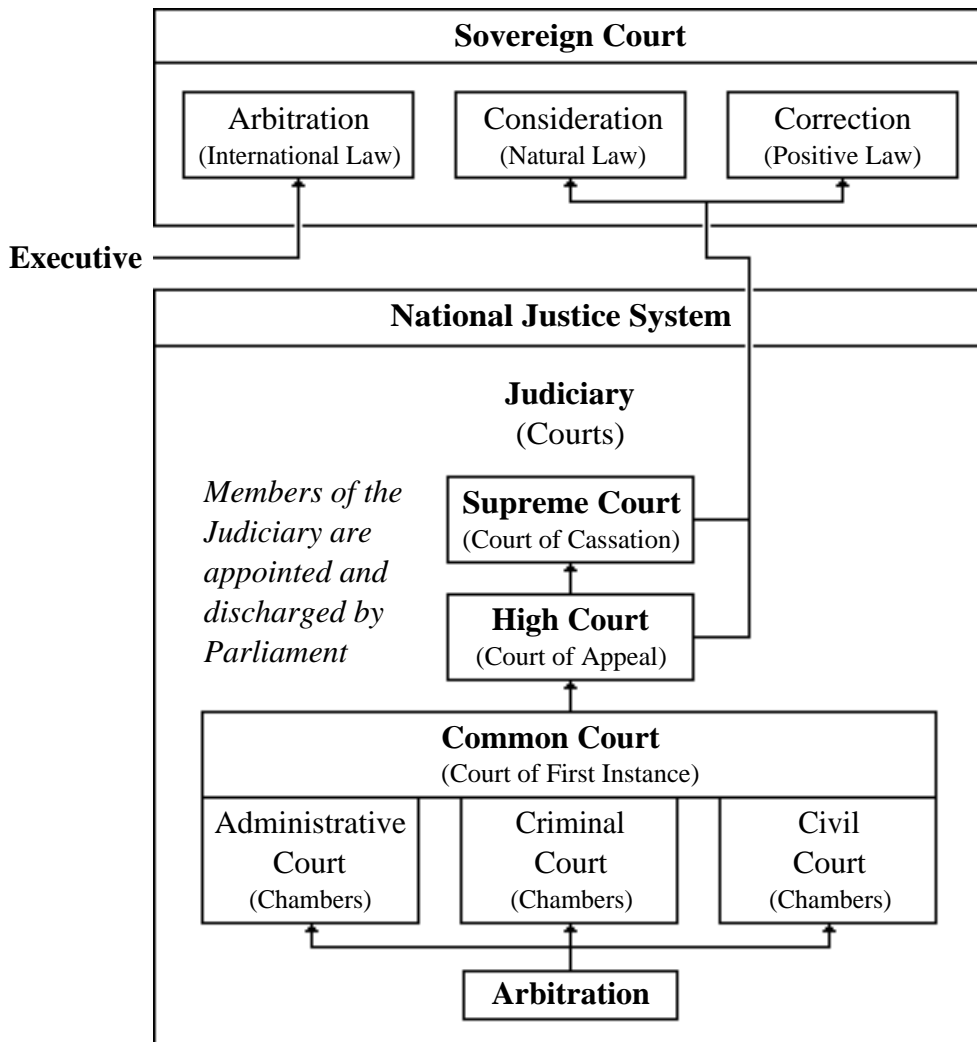
4. The Sovereign Court of Justice (*Last Court of Appeal*)

This court is an essential and natural part of a justice system. She does not belong to the national legal system, but is a sovereign court of last appeal that stands above the national justice systems. She is not bound by national and international law, decides on the basis of natural law alone, and has the power to create (= find) new law.

Lodging an appeal with this court is not possible until all national remedies have been exhausted, although an appeal to the Supreme Court is only mandatory in case of assumed technicalities.

lities. If the Sovereign Court concludes to confirm the verdict and/or the sentence of a national appeal court, the case is closed, else she refers the case back to the national appeal court that tried the case. The court answers prejudicial questions by the national courts.

The Sovereign Court has three chambers: Arbitration, Consideration and Correction.



3.3. The Sovereign Court of Justice

3.3.1. Raison d'Être

All legal systems are flawed because they are based on positive law which herself is flawed. Those who operate within these systems do not realise, and are also not interested in the fact, that they deal with people of flesh and blood, and with feelings, with the result that they often and without regret produce gross injustice, misery and sorrow. The only system that is human-friendly and always does justice is a *justice* system, since that is based on natural law. This however does not imply that miscarriages of justice in such a system do not occur, for they sometimes do. For instance, under natural law the competences of the police in regard to the means of investigation they employ are limited in order to protect a person's privacy (it is e.g. not allowed to tap somebody's phone at will, but this requires at least strong suspicion, and permission from a judge is always required). In exceptional cases the police may therefore still decide to build a case (mainly) on circumstantial evidence, and if the judge happens to decide to accept this evidence (which would be wrong), then this will inevitably lead to a miscarriage of justice. Any miscarriage of justice that occurs under natural law will however only cause annoyance and never be fatal, since the Sovereign Court, the Last Court of Appeal, has the final word. This court is the jewel in the golden crown of natural law.

People who are dissatisfied with the result of a court of first instance can appeal to a higher court for revision of the verdict or sentence, and, in case of assumed technicalities, from there appeal again to the highest court (cassation). But all these courts belong to, and form part of the national system, and are therefore bound by national laws: if these laws despite the open norms still leave no or not enough room for the judge to manoeuvre in order to do justice, then this inevitably results in doing injustice. Natural law has recognised this dangerous flaw, acknowledges that the law should not in all cases be the law, and has concluded that a fully independent (sovereign) last court of appeal with unlimited competences is essential for meting out true justice. So, if a person is found guilty and sentenced by the national judge, then that person can seek revision from the Sovereign Court as the last court of appeal. The sovereign judge can as a result of indeep investigation arrive at a very different conclusion, and order the national judge to revert the verdict or even to throw out the case completely.

3.3.2. Nature, Tasks and Powers

The Sovereign Court is an independent court whose tasks are of a moral and legal nature, for her duty is to guard the (observance of the) natural rights, and to see to a correct interpretation and observation of national laws and international treaties in accordance with natural law, in all constitutional, administrative, criminal and civil cases. To that end she will employ all legitimate (not necessarily legal) means she deems appropriate, if required disregard and bypass national and international law, and base all her conclusions, legal and otherwise, on the principles of natural law alone. For these reasons, this court can only exist and operate within a *justice* system (democracy), and never within a *legal* system (dictatorship).

Since the court is obliged to deal with everything laid before her very discretely, she will also act as a confidential agent or trusted representative for whistle blowers and other persons who cannot say their piece without the danger of moving themselves into an awkward position (to say the least), thereby giving them protection and securing their anonymity.

3.3.3. A Sovereign Institute

The court can only perform her tasks properly if she is sovereign, that is, not bound to any national justice system. This is only possible if the court is (recognised as) a non-territorial state in her own right. Only if she stands outside or above the national system, if she and her members enjoy full immunity from national constitutional, administrative, criminal and civil jurisdiction, if her conclusions are binding upon the national justice system, and if her competences are limited by the precepts of natural law only, can she perform her tasks properly and (if justice demands it) disregard and bypass all national law and international law and employ all legitimate means she deems necessary and appropriate in the search for truth and justice, and apply the purest form of natural law alone.

But then, this court cannot be anything but sovereign, for the simple reason that natural law, being universal law, is herself sovereign and not bound by any state. This is different with positive law, which is local law, created by a certain state, and thus typical of the legal system of that state. A national court can therefore never be sovereign, a supranational court must always be.¹²¹

The Sovereign Court is a supranational court that serves one state only, and her staff consists of natives of that state. She must not be confused nor compared with the so-called regional courts like the European Court of Justice and the European Court of Human Rights. These courts constitute part of the (positive law system of the) EUSSR, their judges and prosecutors are employees of that same organisation, and they are therefore not independent. In reality the courts protect the rights of the EUSSR rather than those of the European citizens,¹²² and they are in fact no more than two of the many instruments the EUSSR employs to maintain her power and position. Besides, since the EUSSR has not come into existence with democratic means, these courts have neither; from this follows that they have no powers and that their rulings have no legal effect.

What is said above equally applies to the so-called international courts like the International Criminal Court (ICC), presently in The Hague, Holland. This court, established under the auspices of the UN through the international Treaty of Rome, is based on the notion of a universal jurisdiction and the related universality principle. This principle permits a court in any state to try someone for a crime committed in another state not linked to the forum state by the nationality of the suspect or victim (or by harm to its own national interests).¹²³

The Rome treaty, now, obliges state parties to surrender any person, who has or may have committed a crime against humanity,¹²⁴ to some obscure court in a country that has probably nothing to do with that crime, where he is prosecuted by a group of foreign prosecutors and tried by a group of foreign judges who, and whose countries, most likely also have nothing to do with that crime. This reeks of a war of vengeance of all against one (or some), and is probably more intended as a trial just for the sake of it.

¹²¹ The same applies to all other institutes that operate on the basis of natural law.

¹²² But European citizens do not exist, only citizens *in* Europe of a certain nationality, such as Scottish, Flemish, Austrian, Polish, Limburgish, Basque, Andalusian citizens, and many more.

¹²³ This presupposes the existence of world citizens, but like the European citizens, they too will be looked for in vain. There are however citizens *in* the world, of a great many nationalities.

¹²⁴ There is no such thing as a 'crime against humanity'.

Many governments however do not allow any third parties to interfere with their internal business (for which they cannot be blamed), and refuse to become a party to the said treaty. One of those states is the USA, who have gone a step further by taking active measures to prevent being affected by it. One of these measures is entering into bilateral Non-Surrender Agreements with other states, in which the latter agree not to surrender US citizens to the ICC.

These agreements are by the United Nations regarded as illegal because, say they, the USA have pressed states into signing and ratifying them. That may be so, but what the UN forget to mention, is that they themselves have, in accordance with the best UN traditions, pressed governments into signing and ratifying their Rome treaty, which renders that treaty equally illegal. Well-known methods the UN employs in making unwilling governments toe the line, and which they continue to use to this day, include blackmailing such governments (by threatening them with economical and other sanctions), and even undermining their states' existence (by actually imposing such sanctions).

It cannot be denied that natural law has a universal character, and that the natural rights have global validity.¹²⁵ However, the principle of national sovereignty and the personality principle allow no random prosecutions by all and sundry (that includes an illegitimate court like the ICC¹²⁶), not even if the incapability or refusal of states to prosecute criminals leads to impunity. To put it simply,¹²⁷ a state may legitimately prosecute,

- any person, regardless whether a national or a foreigner, who has within her own territory committed a deed which according to the state's laws is a criminal (punishable) act.
- any national who has within the territory of a foreign state committed a deed which according to his own national law is a criminal (punishable) act.

Prosecution by a state is generally only legitimate if a national (either as perpetrator or as victim) or national interests are involved.¹²⁸ Anything more leads to a prosecution of all against all, and that causes chaos. And since chaos is typical of positive law, the conclusion might be justified that the the extreme notion of a universal jurisdiction and the resulting international criminal court must find their origins in positive law. This is indeed the case, for both are rooted in the human rights, which constitute a peculiar type of positive law.¹²⁹ The illegitimate nature of the ICC, by the way, automatically renders all her actions, such as her trials and convictions, and the detention of any accused persons by her, or by her order, illegitimate and therefore legally invalid.

A universal jurisdiction does exist, but not in the extreme form that is imagined by the UN and the human rights organisations, and the same applies to the universality principle. A nation that recognises the UN definition of universal jurisdiction and through that automatically the ICC, inevitably gives up an important part of a her sovereignty, with hardly any chance of ever getting it back, so that may never be an option; besides, any part of the national sovereignty can only be given up

¹²⁵ Human rights are no universal rights. See subsection 1.1.2. (Human Rights, heading 'Human Rights Treaties').

¹²⁶ The ICC is said to be established by the 'international community'. This is yet another hoax concocted by the UN, for an international community does not exist. What does exist is an obscure alliance between governments, dubbed the United Nations. This name, too, is wrong, for nations are not involved, only states are. It would have been more correct, also given the objective of the UN, to name this alliance the United States of the World.

¹²⁷ The matter is in reality a bit more complicated and outside the scope of this work.

¹²⁸ It is questionable whether a state may legitimately prosecute a foreigner who has within the territory of a foreign state, either his own or a third state, committed a crime against one of her nationals.

¹²⁹ See subsection 1.1.2. (Human Rights, heading 'Human rights are a peculiar type of positive law').

with the explicit permission of the people through a referendum. Certainly, impunity cannot be tolerated, but it should be achieved in a way that does not infringe upon the sovereignty of a state and any of her citizens.

The ICC is yet another utopian institution, and again one that swallows up millions of dollars of tax payers' money for nothing, except then, that it provides a whole army of legists with the opportunity for a magnificent career, but who would without that court have never been able to escape from the dungeons of anonymity. But the ICC has meanwhile proven to be a stillborn child, which in time will disappear into oblivion. Which is just as well, for justice can never be achieved through that artificial international law and those artificial instruments that support it, all of which are the result of the crooked thinking of a group of utopians on a power trip, who have never had any contact with reality.

The only alternative to procure the highest possible justice without loss of national sovereignty is to stick to, or to return to conventional international law, so that a person who has committed a serious crime can only be prosecuted by the authorities of his own country for crimes committed there or abroad, or by the authorities of the foreign country where he has committed a crime. On a national level this requires the supranational Sovereign Court.

3.3.4. The Chambers

The Sovereign Court is a supranational institution that operates on a national level and, in regard to interstate conflicts, on an international level. She knows three trial chambers: one for International Law (Arbitration), one for Natural Law (Consideration) and one for Positive Law (Correction).

1. Chamber of Arbitration (*International Law*)

Advises on international treaties, settles disputes between nations, etc.

2. Chamber of Consideration (*Natural Law*)

Decides on issues concerning the application and/or the violation of the natural rights.

3. Chamber of Correction (*Positive Law*)

Deals with cases of suspected miscarriages of justice, and other cases that are not affected by natural law.

In addition to her main function of last court of appeal, the Sovereign Court has some other tasks and powers, such as:

A. Investigatory task

To re-investigate criminal cases which have given serious doubts as to the correctness of the final verdict of the national judge.

B. Advisory task

To advise (1) national governments in all national and international legal matters; and (2) national legislators on the necessity, desirability and contents of laws to prevent conflicts with natural law beforehand.

C. Diplomatic task

To supply diplomats, negotiators, couriers, envoys or emissaries, etc. on behalf of one or more nations, for which she is suited given her independent and neutral position.

3.3.5. The Procedures in a Nutshell

The Sovereign Court acts as an appeal court for decisions of a national court of last instance (in practice: the High Court). She shall, if necessary, perform a thorough inquiry into a case brought before her at the request of the appellant or his lawyer, or of the public prosecutor. Since the court has the right to take initiative, she can also decide to start an inquiry of her own accord.

The inquiry is done without any restrictions, and the Sovereign Court can hear any person and employ any means she deems necessary, and demand assistance and co-operation from any authority, organisation or individual. She has unlimited access to all documents directly or indirectly pertaining to the case, classified or not (the court has an oath of secrecy, which is of course not valid in the case of a sudden discovery of a hidden crime). If necessary, the court will put her own criminal investigators on the case.

Since the objective of the court is to mete out justice, she will achieve that, if necessary, by ignoring all (inter)national law including the decisions based thereon, and base her conclusions on natural law alone, since this law is universal and unchanging law that transcends, and is independent of national and international man-made laws (human or positive law).

The Sovereign Court will establish of all deeds or actions, such as those performed by the government (laws), by the national judge (sentence), and by private persons (acts), whether they meet the following three criteria:

1. Legitimacy (*the absolute criterion*)

Determines whether a deed complies with natural law. If so, then that deed is (declared) valid.

2. Reasonableness (*the first relative criterion*)

Determines whether a deed is just in general, that is, in relation to all members of society). If so, then that deed is (declared) reasonable.

3. Equity (*the second relative criterion*)

Determines whether a deed was just in particular, that is, in relation to all other individuals in the same position as the person who was subjected to that deed. If so, then that deed is (declared) equitable.

In case of an admissible appeal, the court will first test the positive law that is supposedly violated for her validity. The possible results are that the law is both legal and legitimate, only legal, only legitimate or neither. She will only be declared valid if she is legitimate. Since the court disregards any positive laws, the outcome of this test does not affect the end judgment of the case laid before her, and testing a positive law is only done by way of service to the national authorities.

The court will next test whether the deed performed by the accused was legitimate. If the deed is judged illegitimate, then it is next ascertained if that deed was yet justified. The result of this test affects the jury verdict (guilty/not guilty), for an illegitimate deed that is yet justified, is not punishable. Finally, if the deed performed was illegitimate and not justified (and therefore punishable), the sentence imposed by the judge will be tested.

If the outcome of the tests warrants it, the court will overrule the decision of the national court (the verdict of the jury and/or the sentence by the judge) by means of a conclusion. The conclusion, written in plain language, takes the form of a binding public advice to the national authorities. There are three types of conclusions:

1. Confirmative conclusion

Confirms both the verdict of the jury and the sentence of the national judge.

2. Correctional conclusion

Corrects either the verdict of the jury or the sentence by the judge, or both. This conclusion serves as:

- a.** an instruction to the national judge to correct the initial verdict and/or sentence;
- b.** an advise to the Judiciary to observe the conclusion in similar cases;
- c.** a signal to the Legislature to amend the law at which the conclusion is aimed.

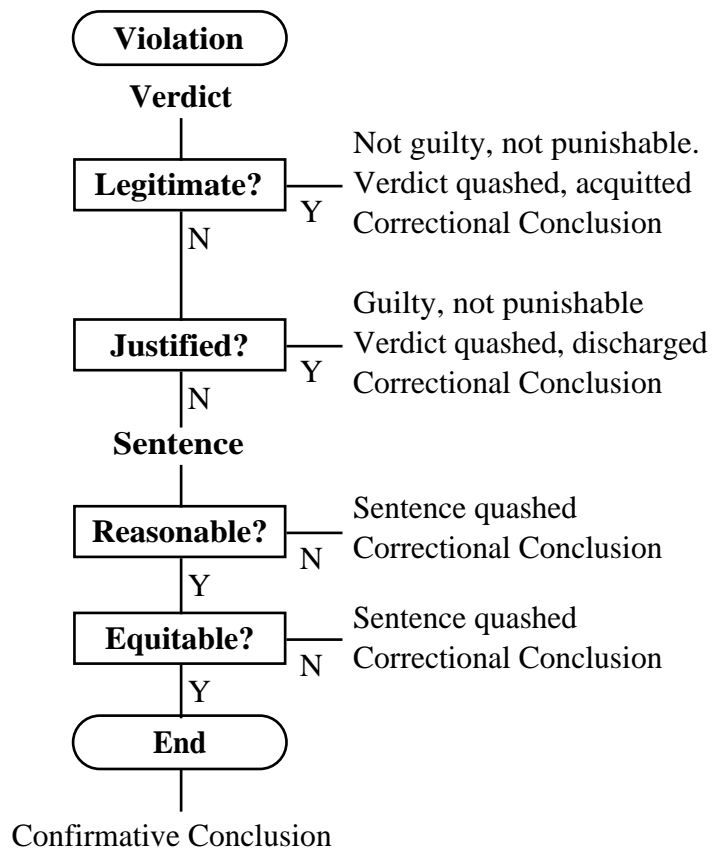
3. Advisory conclusion

Supplies (legal) advice to the authorities, either:

- a.** by request (*of the authorities*)
- b.** by initiative (*of the Court*)

See the flowchart on the following page.

Simplified Flowchart of the Procedures of the Sovereign Court



References

1. Essays

- 1.1. Natural Law and Democracy
- 1.2. Positive Law and Dictatorship
- 1.3. Miscarriages of Justice
- 1.4. Socialism and Oppression
- 1.5. The European Union (EUSSR)
- 1.6. The United Nations (UN)

2. Literature

- 2.1. Natural Law
- 2.2. International Law
- 2.3. Positivism / Utilitarianism
- 2.4. Literary Works

3. Historical Documents

4. Web sites

- 4.1. Natural Law
- 4.2. Libertarianism
- 4.3. Junk Science

Note. The following list contains a number of works that are written on an academic level and/or that are quite long. Good starting points for those who are interested in further reading about natural law, without having to spend hours on wrestling themselves through a lot of legal jargon and running the risk of becoming bored with the matter, are the following:

Essays:

- Landry, Peter: **The (Natural) Law***
*Landry, Peter: **Legislation – Robbers' Rules***
*Dun, Frank van: **Natural Law and Natural Rights***

Literature:

- Bastiat, Frédéric: **The Law** (1850)*
*Spooner, Lysander: **Natural Law** (1882)*
-

1. Essays

1.1. Natural Law and Democracy

Adler, Mortimer J.: **The Nature of Natural Law**

http://www.cooperativeindividualism.org/adler_naturallaw.html

Boland, Don: **Ius Gentium: Natural Law or Positive Law?**

<http://www.cts.org.au/2000/iusgentium.htm>

Cooney, Ronald: **Natural Rights**

<http://www.libertyhaven.com/theoreticalorphilosophicalissues/philosophy/>

Diem, Gordon N.: **The Philosophy of Law and Justice necessary to sustain a Free Nation**

<http://libertariannation.org/a/f61d2.html>

Dolhenty, Jonathan: **An Overview of Natural Law Theory**

<http://radicalacademy.com/philnaturallaw.htm>

Donald, James A.: **Natural Law and Natural Rights**

<http://jim.com/rights.html>

Dun, Frank van: **Concepts of Order**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **Hobbesian Democracy**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **Liberty and Justice**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **Natural Law and Natural Rights**

<http://allserv.ugent.be/~frvandun/Texts/Logica/NaturalLaw.htm>

<http://allserv.ugent.be/~frvandun/Texts/Logica/NaturalLaw2.htm>

Dun, Frank van: **Natural Law: A Logical Analysis**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **The Lawful and the Legal**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **The Perfect Law of Freedom**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: **The Pure Theory of Natural Law, Part I**

<http://allserv.ugent.be/~frvandun/tekstmenu.htm>

Dun, Frank van: The Science of Law and Legal Studies

<http://allserv.ugent.be/~frvandun/RecentTexts.htm>

Durant, Will: The Story of Philosophy. Chapter IV: Spinoza

<http://caute.org.ru/spinoza/aln/durant.htm>

Flew, Antony: Could There Be Universal Natural Rights?

http://www.mises.org/journals/jls/6_3/6_3_5.pdf

*Flew, Antony: The Artificial Inflation of Natural Rights*¹³⁰

<http://www.libertyhaven.com/personalfreedomissues/freespeechorcivil liberties/artificial.html>

Forte, David: Natural Law and the Rule of Law

<http://www.ashbrook.org/publicat/onprin/v4n2/forte.html>

Himma, Kenneth E.: Natural Law

<http://www.utm.edu/research/iep/n/natlaw.htm>

Hoppe, Hans-Hermann: Archives

<http://www.lewrockwell.com/hoppe/hoppe-arch.html>

Hoppe, Hans-Hermann: Natural Order, the State, and the Immigration Problem

<http://www.lewrockwell.com/hoppe/hoppe-margins.pdf>

<http://www.lewrockwell.com/orig/hermann-hoppe3.html> [short version]

Internet Encyclopedia of Philosophy: Natural Law: Introduction

<http://www.panix.com/~squigle/dcp/natlaw.html>

Kirk, Russell: The Case For and Against Natural Law

<http://www.heritage.org/Research/PoliticalPhilosophy/HL469.cfm>

Landry, Peter (barrister): The (Natural) Law

<http://www.blupete.com/Literature/Essays/BluePete/Law.htm>

Macleod-Cullinane, Barry: Lon L. Fuller and the Enterprise of Law

<http://www.libertarian.co.uk/lapubs/legan/legan022.pdf>

Made, Vahur: The Court System of Estonia

<http://www.balticdata.info/estonia/politics/>

McElroy, Wendy: The Non-Absurdity of Natural Law

<http://www.independent.org/tii/news/980200McElroy.html>

¹³⁰ Short version of the previous essay.

Peterson, Robert A.: Lessons in Liberty: The Dutch Republic 1579-1750

<http://www.libertyhaven.com/countriesandregions/holland/lessliber.html>

1.2. Positive Law and Dictatorship

Anon.: Positive Law

<http://www.hku.hk/philodep/courses/law/Positive%20Law%20hnd.htm>

Cooray, Mark: Human Rights in Australia (1985)

<http://www.ourcivilisation.com/cooray/rights/index.htm>

Cooray, Mark: The Basic Human Rights and The Needs Based Human Rights

<http://www.ourcivilisation.com/cooray/rights/chap5.htm>

Halsall, Paul: Auguste Comte (1798-1857): A General View of Positivism

<http://www.fordham.edu/halsall/mod/comte-positivism.html>

Hooker, Richard: Niccolò Machiavelli

<http://www.wsu.edu:8080/~dee/ren/machiav.htm>

Landry, Peter (barrister): Legislation – Robbers' Rules

<http://www.blupete.com/Literature/Essays/BluePete/Legislation.htm>

Neuer, Hillel C.: Human Rights Asylum

<http://www.unwatch.org/pbworks/hillelJpostOped.html>

Radical Academy, The: The Philosophy of the Positivists

<http://radicalacademy.com/philpositivists.htm>

Stevens, Richard W.: The “Human Rights” Deception

<http://www.libertyhaven.com/politicsandcurrentevents/constitutionscourtsandlaw/humanrights.shtml>

1.3. Miscarriages of Justice

Carr, David: Between ‘Slaves of Ruffians’ and ‘The Decision of the Sword’

<http://www.libertarian.co.uk/lapubs/legan/legan043.htm>

Earl, Charles: The Framing of Michael Stone for the Chillenden Murders

<http://www.libertarian.co.uk/lapubs/legan/legan039.htm>

Lomax, Scott: The Case of Susan May

<http://www.libertarian.co.uk/lapubs/legan/legan041.htm>

Lomax, Scott: The Case of Jeremy Bamber

<http://www.libertarian.co.uk/lapubs/legan/legan042.htm>

Lomax, Scott: The Case of Barry George

<http://www.libertarian.co.uk/lapubs/legan/legan040.htm>

Lomas, Andrew: Preference and Prejudice

<http://www.libertarian.co.uk/lapubs/legan/legan044.pdf>

1.4. Socialism and Oppression

Atkinson, Philip: A Study of the Decline of Western Civilization

<http://www.ourcivilisation.com/study.htm>

Atkinson, Philip: A Theory of Civilization

<http://www.ourcivilisation.com/index.htm>

Berley, Marc: Why 'Political Correctness' cannot be correct

<http://www.gofast.org/argos-spring-1998/article2.htm>

Bowles, Linda: Inching toward Socialism

<http://www.townhall.com/columnists/lindabowles/lb20020108.shtml>

Cooray, Mark: Human Rights in Australia

<http://www.ourcivilisation.com/cooray/rights/index.htm>

Cooray, Mark: What motivates Socialists

<http://www.ourcivilisation.com/cooray/vilify/socialis.htm>

Courtois, Stéphane et al.: The Black Book of Communism (1999)

<http://www.democrates.net/communisme.htm> [facts]

<http://www.firstthings.com/ftissues/ft0002/reviews/radosh.html> [Review]

Dun, Frank van: Statistics in the Public Sphere

<http://users.ugent.be/~frvandun/Texts/Articles/StatisticsPublicSphere.pdf>

Højbjerg, Søren: Tobacco Control Norwegian Style

<http://www.forces.org/writers/soren/files/tobacco-control.htm>

Irbe, George: Leftists

<http://www.interlog.com/~girbe/leftists.html>

Lemieux, Pierre: Heil Health

<http://www.pierrelemieux.org/artproctor.html>

Ross, M.D., Gilbert et al.: Sorting out Junk Science

http://www.acsh.org/healthissues/newsID.910/healthissue_detail.asp

Sturman, Henry R.: The Making of ETS: Lying about Passive Smoking
<http://www.henrysturman.com/english/articles/passivesmoking.html>

Tracinski, Robert: Unnatural Disaster
<http://tiadaily.com/php-bin/news/showArticle.php?id=1026>

1.5. The European Union (EUSSR)

Bonde, Jens-Peter: EU Constitution: Concluding Speech
<http://www.bonde.com/index.phtml?aid=11688>

Farah, Joseph: Euro-Nazis alive and well
http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=39387

Flew, Antony: Lessons From America's Making
<http://www.isil.org/resources/fnn/2003summer/antony-flew.html>

Glendenning, Marc: The New Euro Corporatism
<http://www.democracy-movement.org.uk/main/corporatismarticle.html>

Plichta, Dalibor: The Czech Republic and the EU Enlargement
<http://www.currentconcerns.ch/archive/20030115.php>

*Poortman, Arthur: Concept of the European Union devised by the Nazis*¹³¹
<http://www.stelling.nl/kleintje/323/Nazis.htm>

Taha, Marc: The Ominous Parallels: Nazism and the EU
<http://www.users.dircon.co.uk/~iits/newalliance/nazie.u.htm>

U'Aislainn, Niall: Breton Political Prisoners
<http://www.clannasaor.com/forum/read.php?board=1&id=25>

1.6. The United Nations (UN)

Kjos, Berit: The U.N. Plan for Global Control: The Habitat II Agenda
<http://www.radioliberty.com/kjos1.htm>

Metcalf, Geoff: The U.N.'s Shocking Millennium Agenda
<http://www.freerepublic.com/forum/a39a8c216013e.htm>

Nye, Jr., Joseph S.: The Rising Power of NGO's
<http://www.project-syndicate.org/commentary/nye10/English>

Veon, Joan M.: Four Pillars: The Perceived Global Components of World Government
<http://www.womensgroup.org/agenda.html>

¹³¹ This article was published in Dutch only, but an English translation is found in the Appendix to this work.

Veon, Joan M.: **Global Straitjacket**

<http://www.womensgroup.org/chaptsum.html>

Veon, Joan M.: **The International Criminal Court**

<http://www.womensgroup.org/3iccrepo.html>

Veon, Joan M.: **Prince Charles – The Sustainable Prince**

<http://www.womensgroup.org/appendix.html>

Walker, Bruce: **The United Nazis**

<http://www.enterstageright.com/archive/articles/1204/1204un.htm>

2. Literature

2.1. Natural Law

*Aristotle: **Nicomachean Ethics** (350 BC)*

<http://classics.mit.edu/Aristotle/nicomachaen.html>

*Aristotle: **Metaphysics** (350 BC)*

<http://classics.mit.edu/Aristotle/metaphysics.html>

*Aristotle: **Politics** (350 BC)*

<http://classics.mit.edu/Aristotle/politics.html>

*Plato: **Republic** (360 BC)*

<http://classics.mit.edu/Plato/republic.html>

*Plato: **Gorgias** (380 BC)*

<http://classics.mit.edu/Plato/gorgias.html>

*Augustine: **The City of God** (413-426)*

<http://www.ccel.org/fathers2/npnf1-02/toc.htm>

*Aquinas, Thomas: **Selected Questions on Law and Justice** (1274)*

<http://www.lonang.com/exlibris/aquinas/index.html>

*Brutus, Stephen Junius: **A Vindication Against Tyrants** (1579)*

<http://www.lonang.com/exlibris/misc/1579-vct.htm>

*Locke, John: **Two Treatises of Government** (1690)*

<http://www.lonang.com/exlibris/locke/index.html>

*Spinoza, Benedictus: **A Theologico-Political Treatise** (1670)*

<http://www.yesselman.com/ttpelws1.htm>

*Spinoza, Benedictus: **A Political Treatise** (1677)*

<http://www.yesselman.com/TPguset1.htm>

*Pufendorf, Samuel von: **On the Duty of Man and Citizen** (1673)*

<http://www.lonang.com/exlibris/pufendorf/index.html>

Burlamaqui, Jean-Jacques: The Principles of Natural and of Politic Law (1748)

<http://www.lonang.com/exlibris/burlamaqui/index.html>

Montesquieu, Charles de Secondat, Baron de: The Spirit of Laws (1748)

<http://www.lonang.com/exlibris/montesquieu/index.html>

Rousseau, Jean Jacques: The Social Contract (1762)

<http://www.constitution.org/jjr/socon.htm>

Voltaire, François Marie Arouet: Freedom of Thought (Article, 1765)

http://www-personal.ksu.edu/~lyman/english233/Voltaire-Freedom_of_Thought.htm

Bastiat, Frédéric: The Law (1850)

<http://www.lonang.com/exlibris/misc/1848-btl.htm>

Spooner, Lysander: An Essay on the Trial By Jury (1852)

<http://www.gutenberg.org/etext/1201>

Spooner, Lysander: Natural Law (1882)

<http://www.geocities.com/Heartland/7394/naturallaw.html>

Thoreau, Henry David: On the Duty of Civil Disobedience (1849)

<http://www.constitution.org/civ/civildis.htm>

Entrèves, Alexander P. d': Natural Law: An Introduction to Legal Philosophy (1951)

<http://www.questia.com/PM.qst?a=o&d=37048101>

Haines, Charles Grove: The Revival of Natural Law Concepts (1930)

http://www.constitution.org/haines/haines_.htm

Rommen, Heinrich A.: The Natural Law: A Study in Legal and Social History and Philosophy (1936)

<http://oll.libertyfund.org/Home3/HTML.php?recordID=0017>

2.2. International Law

Grotius, Hugo: On the Law of War and Peace (1625)

<http://www.constitution.org/gro/djbp.htm>

Pufendorf, Samuel von: On the Law of Nature and Nations (1672)

<http://www.constitution.org/puf/puf-dut.txt>

Vattel, Emmerich de: **The Law of Nations** (1758)
<http://www.constitution.org/vattel/vattel.htm>

2.3. Positivism / Utilitarianism

Bentham, Jeremy: **Introduction to the Principles of Morals** (1789)
<http://www.la.utexas.edu/research/poltheory/bentham/ipml/ipml.toc.html>

Hobbes, Thomas: **The Elements of Law Natural and Politic** (1640)
<http://www.thomas-hobbes.com/works/elements/>

Hobbes, Thomas: **The Citizen** (1641-47)
<http://www.constitution.org/th/decive.htm>

Hobbes, Thomas: **Leviathan** (1651)
<http://oregonstate.edu/instruct/phl302/texts/hobbes/leviathan-contents.html>

2.4. Literary Works

Doyle, Arthur Conan: **The Complete Sherlock Holmes** (*About natural law*)
<http://www.bakerstreet221b.de/canon/>

Golding, William: **The Lord of the Flies** (1955; *About Man*)
<http://www.gerenser.com/lotf/summary.html>

Orwell, George: **Animal Farm** (1945; *About socialism*)
<http://www.k-1.com/Orwell/animf.htm>

Orwell, George: **Nineteen Eighty-Four** (1949; *About the totalitarian state*)
<http://www.k-1.com/Orwell/1984.htm>

3. Historical Documents

1215 Magna Carta (*England*)

<http://www.constitution.org/eng/magnacar.htm>

1320 Declaration of Arbroath (*Scotland*)

<http://www.constitution.org/scot/arbroath.htm>

1679 Habeas Corpus Act (*England*)

<http://www.constitution.org/eng/habcorpa.htm>

1776 Virginia Declaration of Rights (*USA*)

<http://www.law.ou.edu/hist/vadeclar.html>

1776 Declaration of Independence (*USA*)

<http://www.law.ou.edu/hist/decind.html>

1789 Declaration of the Rights of Man and of the Citizen (*France*)

http://www.constitution.org/fr/fr_drm.htm

1791 US Bill of Rights (*USA*)

<http://www.yale.edu/lawweb/avalon/rights1.htm>

4. Websites

4.1. Natural Law

Fordham Natural Law Colloquium

<http://www.lawandphilosophy.org/links.htm>

Ius sine Lege (*Dutch and English*)

<http://users.ugent.be/~frvandun/welcome.html>

Natural Law Institute / Project

<http://faculty.valpo.edu/jpotts/naturallawinstitute.html>

The Natural Law/Natural Right Page

<http://members.tripod.com/~batesca/natlaw.htm>

Natuurrecht (*Dutch and English*)

<http://www.natuurrecht.nl/>

4.2. Libertarianism

Advocates for Self-Government

<http://www.self-gov.org/>

Forces International (*also deals with junk science*)

<http://www.forces.org/>

Libertarian Alliance

<http://www.libertarian.co.uk/>

Libertarian International

<http://www.libertarian.to/index.php>

Liberty Haven

<http://www.libertyhaven.com/index.html>

Ludwig von Mises Institute

<http://www.mises.org/>

4.3. Junk Science

JunkScience.com

<http://www.junkscience.com/>

Appendix

(Being the reprint of an earlier work by the present author)

1. Socialism: A Warning from History

Article: The Forgotten Holocaust, or: The 'Blessings' of Communism / Socialism

2. The European Union: Hitler's dream come through

Article: Concept of the European Union devised by the Nazis

1. Socialism: A Warning from History

Article: The Forgotten Holocaust, or: The 'Blessings' of Communism / Socialism¹³²

Everybody knows about the murder of some 6 million Jews, the Holocaust. Because of the overwhelming coverage [of this Holocaust], another (and bigger) Holocaust is in danger of simply being forgotten: that of more than 20 million citizens in the former Soviet Union during Stalin's regime. The labour camps in Siberia were set up by Vladimir Lenin, but Stalin is responsible for the huge expansion thereof. In 1930 there existed thousands of labour camps where, at the climax, 10 million Russians were compelled to forced labour under terrible circumstances. Between 1930 and 1950 on average 5 million were continuously kept imprisoned, of whom annually 10% died as a result of the harsh conditions. This so-called Gulag Archipelago, which was completely managed by a secret police unit, stretched across the whole of Siberia and even beyond. Escaping from these camps was futile: one could go nowhere, hundreds of miles of ice and snow made sure that one died soon. The prisoners were mainly farmers and their families who, at the time of the collectivisations, were sent to Siberia. Stalin called these people 'Kulaks'. When the farmers were 'used up', others too had to pay for it. During the 1939 party congress, 1108 of the 1966 representatives were arrested on the charge of insufficient loyalty to Stalin, and their fate was spending many years of agony in the Gulag Archipelago until they eventually succumbed to their hardships.

The political purges took place throughout the country. When in 1939 Stalin and Hitler had divided Poland among themselves, hundreds of thousands of Poles were sent to the Gulag. When Stalin had annexed the Baltic states, purging also continued there: some 3% of the population was put on transport. Ethnic minorities like the Volga Germans, etc., all ended up in the Gulag Archipelago.

The massive collectivisations in the agricultural sector not only meant putting unwilling farmers on transport to the Gulag Archipelago, but also the destruction of successful farms, through which the Stalin regime also rendered itself guilty of the famine that followed the destruction of the farms. The agricultural production dropped dramatically.¹³³ In 1932 Stalin resorted to the control of the corn seed in guarded state silos to prevent farmers from keeping back corn in order to escape from starvation. Additionally there was ethnic cleansing. Stalin's ethnic cleansing, that took place between 1944 and 1950, cost 2 million people their lives.¹³⁴ The total of 20 million deaths in the labour camps as a result of executions and ethnic cleansing is directly related to Stalin's regime. But Stalin must in fact also be held accountable for the famine that cost a couple of millions their lives, because he destroyed the agricultural sector. One quotation from Stalin himself says enough: "Killing one human being is murder, killing a million human beings is just statistics."

Who still fancies communism/socialism?

Perhaps one has ever wondered why today's Left Church¹³⁵ is always so unresponsive when it comes to condemning such communist atrocities. The explanation is simple: they both share a fundamental belief in the human nature and the role of a government that can 'mould' human behaviour.

¹³² Translation of a Dutch article originally published on <<http://www.democrates.net/index.php?do=commie>>.

¹³³ Conquest, Robert: *The Harvest of Sorrow: Soviet Collectivisations and the Terror-Famine*, (1986).

¹³⁴ Zayas, Alfred-Maurice de: *A Terrible Revenge: The Ethnic Cleansing of the East European Germans*, (1994).

¹³⁵ The whole leftist movement.

To this day that same Left Church defends the ideals of communism. It appears that the only ones who have learned something from the total failures of socialism in communist countries are those who have become the victims of that experiment.¹³⁶ In the West the left-wing ‘intellectuals’ simply continue their fiction that socialism can work while maintaining human dignity, freedom and democracy. And, worse, there are even people who give their votes to these questionable parties ...

One of the most often heard excuses to the question as to why communism/socialism has produced so many victims is that this ‘doctrine’ has in practice always deviated from the basic principles. It has also been brought forward that the leaders were not sufficiently ‘enlightened’. One of those myths is that Lenin’s revolution (Bolshevik) was a humane experiment that was later ‘spoiled’ by Stalin. Lenin’s own words, however, betray the true character of his person:

An order to the Cheka (the predecessor of the KGB): “You must set an example to these people. Hang, and I mean in public, at least 100 kulaks, rich bastards and other parasites”.
Was signed: Lenin.

To a question of his Kommissar for Justice who asked “Why appoint a People’s Kommissar for Justice? It would be more honest to call it a People’s Kommissariat for social destruction”, Lenin answered: “Great idea! That’s exactly how I see it. But that would unfortunately not sound nice”.

Victims of the Left Heilsdoctrine

The authors of ‘*The Black Book of Communism: Crimes, Terror, Repression*’¹³⁷ conclude that in the 20th century between 85 and 100 million people were killed by socialist/communist regimes:

People’s Republic of China	65,000,000
Union of Soviet Socialist Republics (USSR)	20,000,000
Cambodia	2,000,000
North Korea	2,000,000
Eastern Europe	1,000,000
Vietnam (North and South)	1,000,000
Afghanistan	1,500,000
Africa	1,700,000
Latin America	150,000
Cuba	15,000
Total:	92,365,000

The sad balance of just one century of socialism / communism!¹³⁸

End of the Article

The above article is a non-fictional horror story that exposes the true face of socialism. The socialist doctrine is not a human but a purely scientific doctrine, based directly on scientific positivism

¹³⁶ The German Stalinist Joschka Fischer, the notorious agitator, street fighter, terrorist and cop molester of the 70s, now German Minister of Foreign Affairs in the Schröder cabinet, once called the EUSSR ‘a communist experiment’.

¹³⁷ Courtois, Stéphane et al., ‘*The Black Book of Communism: Crimes, Terror, Repression*’ (1999).

¹³⁸ Note: The above list does not include the many innocent deaths the socialist UN since her inception in 1945 is directly or indirectly responsible for, as a result of her wars, other interventions, and embargoes.

that emerged at the end of the 18th century. The original positivists were scientists (physicists and chemists) who were convinced that Man is in full control of (physical) nature, and that Man can re-organise (physical) nature at will. Positivism would soon also be applied to (all fields of) society and human beings, whereby a society became regarded as matter, and the human beings as the molecules that compose that matter. Once this was accepted, the idea (better: fiction) arose that a society can be created, build or (re-)organised at will.

Human beings were as a result no longer regarded as subjects, but as objects (the molecules that compose the whole). All people were (rendered) the same and individuality lost all meaning. The individual was reduced to a mere cog in the wheel, and the emphasis was put on the whole: the society, expressed as 'The State', that made all the decisions for the individual. The individual became an irrelevance, expendable, and could (and should) be removed or replaced if he was not beneficial or no asset, but especially if he formed a threat, to the whole (the society, the state). Society was turned into a kind of chessboard, and the citizens became the pieces that could be moved at the will of the players: the leaders (politicians). Morality was no longer allowed to play any role because it lacked any scientific basis. Calculation replaced morality.

Scientific positivism became the outstanding instrument in the hands of all those individuals and groups who wished to introduce social reforms to society. Scientific positivism allowed the communists and socialists (as those groups became known) to re-model society after their own weird ideas in a very precise mathematical manner, without having to bother about such things as morality and human beings. As the article above points out, the scientific reformers believed in the role of a government to 'mould' human behaviour, and through that shape a new society. Manipulation and indoctrination became standard instruments of the human gods (they are portrayed as pigs in Orwell's 'Animal Farm').

But the scientific planners made one huge miscalculation, and that concerned human nature, for it soon became clear to the reformers that people refused to co-operate. The people indeed wanted social reforms, but not the way the new leaders envisaged: the people simply did not want to pay for a better life with their rights and freedoms, nor did they want to be robbed of their properties and money.

Man's natural state is one of freedom. Serfdom/servitude is unnatural, and consequently Man will do everything that is in his might to retain his freedom when he sees it threatened, or regain his freedom after he has lost it. The importance of freedom was very well understood by the American 'rebels' in 1776. The French revolutionaries were also very aware of this fact, and so they put freedom first in the motto of their revolution: Liberté, Egalité, Fraternité. But a century later, after the rise of scientific positivism, the communists and the socialists put equality in the first place, which marked the start of the enslavement of the people by the various socialist regimes that would thereafter emerge, with terrible consequences.

Creating, building or re-arranging a society can only produce an unnatural society, which is doomed to collapse because the people do not feel comfortable in such an inhumane society. The socialists were yet determined to implement the reforms at any price, and the refusal of the people to co-operate left only option open to the players, namely to simply impose the reforms on the people, whether they liked it or not, if necessary with the use of force and violence. Blinded by the 'light' of their own doctrine, they created Animal Farms and Big Brother states, and drafted oppressive laws

that would enable them to achieve their goal and at the same time keep the people under full control.

It was the fact that the legal systems had meanwhile also become based on scientific positivism (known as legal positivism), that enabled the socialists to create expedient laws at will, which made it possible to push through their policies that nobody wanted. The resulting positive law is solely based on the will of the legislator (the politicians), whereby morality plays no role at all. The pleasant side of this is, that without morality you can will and do anything you want: there is nothing that can stop you.

Positive law states that issues of legal validity must be strictly separated from questions of morality (in the legal sense), for, what the law ought to be has nothing to do with what the law actually is. This is definitely untrue, but to anyone who wants to have full control over others without having to be accountable for his actions, positive law is a godsend. And so, positive law became the perfect legal instrument for (especially socialist) dictators to keep their subjects under control. From this follows that every state whose legal system is based on positive law is per definition a dictatorship. The legal system of a democratic state is always based on natural law, and called a *justice* system. Currently there are no states whose legal system is based on natural law, neither in Europe nor elsewhere.

Although positive law allowed the socialists to create laws based on the will alone, such laws had yet to be supported by the results of scientific research. But those results could only be accepted to the extent that they confirmed the view of the socialists, and if that required a bit of manipulating of data and results, it should not be seen as a problem; after all, the end justifies the means. This view gave birth to junk science and to the junk scientist. Junk science is commonly defined as:

The misinterpretation of scientific data, or faulty organised data from science, especially such misinterpretation or such faulty data that is used to promote an ideology and/or to increase finances.

Prof. R. L. Park's view is more in accordance with present reality, for he defines junk science as "the crafting of arguments deliberately intended to befuddle jurists or lawmakers with little or no scientific background."

Prof. Dr. Brian DeFazio, finally, describes junk science as "having none of the qualities of hard science, and engaging in manipulating inapplicable statistics and opinion polls 'data' to make it appear as if the data is quantitative. Junk science it not reproducible, predictable, or falsifiable."

The aim of the original junk science was to legalise government policies, but Park has rightly observed that the aim of modern junk science is to deliberately 'befuddle' lawmakers who have little or no scientific background'. Those who can only exist by the grace of junk science and who depend on the results which this science produces, are the many pressure groups whose sole objective is to impose their own personal view on a whole society.¹³⁹ And since the majority of politicians lack a de-

¹³⁹ The current anti-smoking pressure groups in particular find justification for their existence in the deliberately distorted and thus deceptive findings of junk scientists. Because they (know that they) cannot have it their way in a democratic manner, they have become so extreme in their views and employ such aggressive methods (e.g. blackmailing governments and private companies) in their endeavours to impose their wrong views on society, that they may be classified as criminal (perhaps even as terrorist) organisations, or at least as a gang of agitators that is out to disturb the peace and order in society.

cent scientific background as well as a sound mind, they have no other choice but to eagerly accept the results of junk science as the basis for their outrageous policies.

The conclusions reached by the junk scientists, many of whom have never had a (decent) scientific education and training at all, are false and the result of plain deceit, and since the politicians still base their policies on those conclusions, junk science continues to have a huge detrimental effect on society as a whole as well as on the individual citizen.¹⁴⁰ Junk scientists are (deliberately) destroying the societies and their members, and they have meanwhile indeed done more evil and caused more havoc with all their impertinent lies than any warlord in history. They share the same reason for acting the way they do with the politicians, namely the satisfaction of their primitive lust for power and control over society and the individual. Hence that tight cooperation between the politicians and the junk scientists: they are natural allies in destruction.¹⁴¹

But the socialists had made a miscalculation, for their carefully designed laws did not appear to work. So they had to employ other means, such as the ones described in the article above. That these means were brutal and cost millions of people their lives did not rouse the conscience of the socialists,¹⁴² for their 'heils'-doctrine clearly stated (and it still does) that the individual is subordinate to the state (society as a whole), and that the end therefore justifies the means. So why worry about a few dead individuals? Positive law is definitely the law of nature.¹⁴³

Socialism has never changed its course, and its doctrine is today still the same and very much alive. Only, the socialists have learned to operate in a more subtle way¹⁴⁴. Socialism is still an oppressive doctrine whose ugly face expresses sheer contempt for all human beings. This doctrine does not recognise the individual, let alone the *free* individual, for acknowledging the (free) individual would undermine the principle of equality and endanger the achieving of the objective.

The socialists with their tiny brains have never understood the difference between 'equal [before the law]' and 'the same', with the result that they can still only distinguish one race, one colour, one language, one culture, one custom, one usage, one uniform. In their eyes everything and everyone is the same, and if anything happens not to be the same, it must be made the same with every possible means and at any price. The socialist doctrine leaves no room for individuality, and therefore also not for natural rights and freedoms, for these are *individual* rights and freedoms. If the individual does not exist, then individual rights and freedoms do not exist either. By destroying the individual,

¹⁴⁰ The actions of anti-smoking pressure groups are unjustified because smoking poses no dangers at all to the health of others, as honest scientists have proven with hard evidence. Even if smoking posed a danger to the health of the smoker himself, it would still be no business of the government, pressure groups and others, for an individual's health is his business and concern alone. If there were any valid need at all to improve the health of a nation, then that could only be achieved by total bans on politicians, pressure groups and busybody individuals, and not by total bans on smoking, drinking, sex, etc.

¹⁴¹ The tight cooperation between politicians, junk scientists and pressure groups has resulted in the notorious partial or total smoking bans which many socialist governments have now imposed on the citizens of the states they control. Through these bans they have made something that is actually legitimate illegal, which is logically impossible (read: invalid). See subsection 1.3.3. (Validity of Laws). Smoking bans are however easily bypassed, and they should be, because no citizen is compelled to observe any unjust (= illegitimate) law. See subsection 1.3.3. (Validity of Laws, heading 'No obligation to observe invalid law'). Depriving *innocent* individuals of their natural rights and freedoms (including their right to pursue happiness) is always illegitimate.

¹⁴² Since the socialists prefer positive law, this would be impossible anyway. Positive law is rational, calculating law that does not accept consulting of and listening to the conscience, which is strictly forbidden. The conscience, where the higher norms are found, is under natural law however of critical importance.

¹⁴³ The law of the strongest. Not to be confused with natural law, which is based on the strongest right.

¹⁴⁴ An example of a modern and subtle means to keep the people under control is the use of political correctness.

the natural rights and freedoms are automatically also destroyed. The socialists have created a world after their own image, namely a grey, dull, cold and very cruel world.

What is said above not only applies to individuals, but to nations as well. Nations are like individuals, they distinguish themselves in almost everything from other nations in regard to their identities (as determined by language and culture) and institutions. Again, this does not comply with the established socialist principle of equality, for the whole world equally belongs to everybody, so nations, especially nations with an own territory, may not exist and must be destroyed.¹⁴⁵

Destruction of a nation can be achieved by either genocide or ethnocide. Since genocide involves the actual killing of the people who constitute a nation, this demands both a bloody and visible operation, for which reason genocide is now banned. Ethnocide, on the other hand, is the destruction of a nation by robbing the people that form that nation of that with which they distinguish themselves from other nations, namely their identity, that is, their language and culture. Ethnocide does not require a bloody slaughter of people, and can be committed in a silent, invisible, insidious manner, and moreover often remains unnoticed until the mission is accomplished, and the nation in question has been destroyed. It is no surprise, therefore, that ethnocide is the legal(ised) form of genocide.

Two European states that are infamous for committing large scale ethnocide are the socialist states of the Netherlands and Belgium. On 'their' territories live, as a result of wars and undemocratic decisions, seven nations, each with an own identity as determined by culture and language. Through this they constitute peoples in their own right, and are thus by nature entitled to full self-determination as nation-states. The principle has rather surprisingly been laid down in the first article of the UN International Covenant on Civil and Political Rights:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The seven nations in question are the Germanic nations of Brabant, Flanders, Frisia, Gelre, Holland, Limburg, and the Romanic nation of Wallonia.¹⁴⁶ And although the Netherlands and Belgium have both ratified the Covenant, their governments bluntly deny the said nations the self-determination they are entitled to,¹⁴⁷ and instead have adopted a policy that aims at the destruction of their cultures and languages, by forcing the Dutch/Belgian culture and language upon them. It is a sneaky policy though, which allows them to keep up appearances and avoid the risk of being accused of violating the Covenant (and worse). There would however be no need for them to worry about that, since it is asserted that the said article applies to former colonies only (which is not so), and that it would be politically incorrect to apply it to other peoples as well (rubbish). Not so long ago a keen Scottish jurist remarked:

¹⁴⁵ Besides, an independent nation is a free nation, and freedom is every socialist's worse nightmare.

¹⁴⁶ The Belgians moreover still keep German territories in the East occupied, known as the East Cantons, which were assigned to them after the first World War by way of compensation for war damages. But that war is long over, and the occupation must now be regarded as illegitimate.

¹⁴⁷ After that having regained their autonomy, it were best if the six Germanic nations, given their seizures, would join together in a confederacy. The form of international cooperation leaves the autonomy of the member states intact, but yet allows them to agree to work together in certain policy fields (traditionally foreign affairs and defence) as if they formed a unitary state. Wallonia, being a Romanic nation, should seek (a like) cooperation with France.

To put it another way, would it make sense for Tibetians struggling to free their land from Chinese oppression and ethnic cleansing to say that a Tibetan is anyone who happens to live and work in Tibet, including Chinese colonists planted there by Beijing? Of course not, and none would dream of calling the Tibetians ‘racist’ for insisting that their nationality is authentic. The same goes for the people of East Timor. The term ‘racist’ is only used to thwart self-determination movements by peoples with unfashionably pale skin.

Of course, ‘Racist!’ is now the battle cry of those, like the Commission for Racial Equality, who would stop us from giving official status to Scottish languages in Scotland – Gaelic instead of Gujarati, Scots instead of Swaheli. There is no real way for any white person to prove that you are not a racist – that is the point of the smear, it is designed to frighten people and shut them up. The only appropriate way to meet allegations of ‘racism’ is to laugh and refuse to take the thing seriously, thereby puncturing the balloon of self-righteous officiousness and manufactured outrage which fuels the activities of race relations parasites and other ethno-cultural terrorists.

The socialist multicultural hysteria appears to apply to non-white nations only, and again shows the selective, discriminatory nature of positive law and the human rights. It is typical of that crooked socialist reasoning that native nations must be destroyed at all costs, while groups of so-called immigrants are not only allowed to maintain their identity in a nation that is not theirs, but they are even stimulated to do so, although it should be they that must assimilate or else leave. It is common knowledge that socialists loath white nationalism, and every socialist (in fact every leftist, of whatever denomination) who asserts to support national independence is an impertinent liar. But, this big lie serves one purpose only, and that is to gain votes. This is pure deception of course, but which is only effective if and so long as there are people who continue to vote for socialist parties. Unfortunately still too many people, blinded by the utopian dust that is thrown in their eyes, still fall into this wicked trap, but their numbers are falling rapidly.

Be it as it may, but the fact remains that like genocide, ethnocide is a major crime that constitutes a serious violation of natural law. But since ethnocide is the recognised and sanctioned legal form of genocide, governments that commit this atrocity can still easily get away with it.

Man’s natural state is one of freedom, but Man is also a social animal. But when he sees his freedom threatened or de facto loses his freedom, he automatically becomes anti-social, which he cannot really be blamed for. Since people in a socialist state are not free and have no rights,¹⁴⁸ such a state can therefore only be anti-social. Hence the thesis: The more socialist a state is, the more anti-social she is.

There is a basic difference between a *social-minded* society and a *socialist* state. Since a socialist state can only be established through force, socialism can never work while maintaining human dignity, freedom and democracy. A nation that is not free can never be social-minded, but a nation that is social-minded must be free. And a free nation can never be anything else but a democracy under natural law. In a democracy life is allowed to run its natural course, and the duty of a democratic government is not to re-model society, but to see to it that all citizens have the opportunity to enjoy their natural right to pursue happiness and to prevent injustice from being done. Social (natural) is

¹⁴⁸ Man’s natural rights and freedoms are inherent and inalienable, which means that they can never be taken away from him but also that he can never give them away. So the assertion that “people in a socialist state are not free and have no rights”, must be read as “they are prohibited from enjoying their freedoms and exercise their rights”.

definitely not the same as socialist (artificial).

‘Social-democracy’ is the name the socialists apply to the states they govern, but it is actually an attempt to hide the fact that such states are actually socialist dictatorships. The name is moreover a pleonasm, for a democracy implies a social society because in a democracy the citizens are free, and so ‘democratic’ alone would suffice. A like blunder was made when the German East Zone was turned into a state. The original name was ‘Deutsche Demokratische Volksrepublik’ (German Democratic People’s Republic), and only after someone had pointed them to the fact that ‘democratic’ and ‘people’s’ meant the same, was the name changed to ‘Deutsche Demokratische Republik’ (German Democratic Republic). And it would soon become clear what the socialist interpretation of ‘democracy’ was.

Socialism in in bad repute now, and the term ‘socialism’ has become synonymous with all that is bad and evil, and is associated with war, terror, oppression, destruction, barbarism, immorality, disrespect and bloodshed in general.¹⁴⁹ Indeed, everything in society that is oppressive, institutions as well as people, can directly or indirectly be traced back to the socialist doctrine.

Socialism is a cancerous tumour that has developed within, and has rapidly spread through our societies, which it is now destroying. If this cancer is not soon and duly treated, our societies will stand no chance of ever recovering again, and freedom will be lost forever. Socialism stands accused of the destruction of our societies and the illegitimate detention of their members, and must be dealt with in a proper manner. The destruction of socialism (or putting an end to the socialist experiment) restores freedom.

¹⁴⁹ It must be admitted that the colour of the socialist flag, bloody red, is well chosen. From this one might conclude that the atrocities the socialists committed were not a frustrated reaction to the failure of their ambitions, but that they were planned from the very start, regardless of the result of their reforms: destruction just for the sake of it.

2. The European Union: Hitler's dream come through

Article: Concept of the European Union devised by the Nazis¹⁵⁰

The present European Union is consistent with the plans and design for a European Economic Community, as it was developed at that time by leading national-socialists under the chairmanship of Dr. Walter Funk, Nazi Economics Minister and President of the German Reichsbank [National Bank].

In the summer of 1942, when the Nazi-armies had overrun the whole of Europe and a large part of the Soviet Union, the Reichsbank came with plans for a postwar monetary union. The central Reichsbank, in co-operation with the Economics Department, unfolded a plan for a monetary union for a large part of Europe, with the Reichsmark as the dominating currency. The German Nazi-plan for the European economical and monetary unification is described in a book which was published in Berlin in the same year under the title 'Europäische Wirtschaftsgemeinschaft' [European Economic Community]. The book contains essays, written by important Third Reich industrialists, bankers and economists, and was published by the Berlin Industrie und Handelskammer [Chamber of Commerce and Industry] in co-operation with the Wirtschafts Hochschule [School of Economics] in Berlin. "The Nazi-blueprint for a united Europe shows a staggering resemblance with the structure of the European Union, as we now know it". That is the conclusion of an article, published in the International Currency Review, a specialised magazine that is practically only read within the world of banking.

Co-authors of the book were amongst others the above mentioned Walter Funk, who gave a description of the economic character of the new Europe; Dr. Emil Woermann, professor at the University of Halle, who described the future agricultural policy; Dr. Anton Reithinger, who worked with IG Farben, he gave an account of the new industrial Europe; state secretary Gustav Koenings, who gave a description of a European traffic policy; and Dr. Bernhard Benning, managing director of the Reichs Kreditanstalt A.G. [Reichs Credit Institute Plc], he drew up the economics policy of the Nazis: the problem of the European exchange rates and how to achieve one European currency. The book further contains essays about a unified labour market, a unified agricultural market and general principles of European co-operation. It is also remarkable that the authors preferred to keep Great Britain out of the united Europe, and that they also had plans for a European Central Bank, which would be dominated by Germany. Competition must be fought, it is freedom of way for the big industries, who, in the Nazi-vision on Europe, will be in charge.

In November 1932, during a congress in Rome,¹⁵¹ the occult Nazi philosopher Alfred Rosenberg put plans on the table for the economic restructuring of Europe. These ideas were on a wide scale propagated in Germany. Nazi newspapers like 'Die Deutsche Volkswirtschaft' [The German Economy] even campaigned for a United Europe. In 1938, one Daitz, a German ambassador, also wrote a book in which he pleaded for an economic and political unification of Europe. He too had a much influence on high Nazis. Walter Darré, the Reichsbauerminister [Reichs Farmers' Minister] pleaded in an early stage for far-reaching European environmental measures; measures which would make

¹⁵⁰ An article written by Arthur Poortman in 1998. Originally published in 'Kleintje Muurkrant' [Concise Wallposter] no. 323, 17 Juli 1998. Also see Marc Taha: *The Ominous Parallels: Nazism and the EU*, who independently comes to the same conclusion.

¹⁵¹ Note that the treaty that established the European Economic Community (EEC, the EU's predecessor), was signed in also Rome (on 25 March 1957). This was no coincidence, but the picking up of unfinished business.

current environment protectors lick their lips. Apart from that, the Nazis were the first who established nature reserves in Europe; all this by the express request of Hitler.

Two years later, in 1940, the Reichsbank published a design for a European monetary union, where the Reichsmark “would become the most important currency in the German Economical zone”, and together with the dollar “one of the world's standard currencies”.

In July of the same year plans were lying ready for the foundation of a Bank for European Payments, which would serve as the centre point for the postwar monetary system. All payments between the member states would run via this European bank, which would also stand surety for large export credits. This bank would also have certain rights over the financial management of the individual central banks of the member states. In short, influential Nazis wanted to change Europe into a federal superstate in which the sovereignty of the individual member states would practically be abolished.

According to the International Currency Review, the Maastricht Treaty finds its roots in the German way of thinking in the last [19th] century; where national interests must be subordinated to the interests of the greater good, over-ruling the state's decision makers. It is important to realise that this doctrine eventually leads to the first World War. “The Maastricht Treaty destroys sovereignty. There are practically no differences between the Europe of Maastricht and the economic blueprint for Europe as it was at that time proposed”. There are strong indications that attempts were made to wipe this book, published in 1942, off the face of the earth. Of the massive publication during the Nazi-era, only two editions still exist, and then only in form of copies: one in the British Museum and one in the Staatsbibliothek [State Library] Berlin.

End of the Article

The European Union (EU¹⁵²) is a model example of a dictatorship, which clearly shows the dangers a totalitarian state poses to the freedoms and rights of the individual. This organisation, built by politicians for politicians and supposed to evolve into the ‘United States of Europa’, is commonly referred to as the EUSSR (European Union of Soviet Socialist States). She is alternatively known as the ‘Fourth Reich’, and those who govern, work for or support her are accordingly dubbed Euro-Nazis. This whole idea of a United Europa is, as the article above explains, based on a blueprint drawn up by Walter Funk, Economics Minister and President of the German National Bank under Adolf Hitler, who already envisaged a Fourth Reich consisting of the then occupied nations. The architects of the European Economic Community (EEC), the predecessor of the EUSSR, have from the start used this blueprint as their guide for the creation of a united Europe, and their successors, who are not averse to totalitarianism, continue to do so.

It should be an alarming fact that a convicted war criminal with responsibility for the Nazi war effort and atrocities has been one of the designers of the EEC. Since Funk's blueprint constitutes the basis for the United States of Europa, the Fourth Reich will closely resemble her predecessor, with the tiny difference that the new Reich will be perfect in regard to all aspects.

The Fourth Reich, too, will be dominated by the Germans, which was unequivocally made clear in a speech in October 1996 by the then German chancellor Helmut Kohl: “The future will belong to

¹⁵² The acronym is taken to mean ‘Evil Union’.

the Germans ... when we build the House of Europe. In the next two years, we will make the process of European integration irreversible. This is a really big battle but it is worth the fight”.

The EUSSR, run by socialist¹⁵³ totalitarian-minded Eurocrats, is not a democracy, nor is she intended to ever be one, witness the words of Claude Cheysson, former French Foreign Secretary and member of the European Commission. In June 1996 he stated that “the Europe of Maastricht could only have been created in the absence of democracy”, and went on to say that “public debate would be counterproductive”. He was supported in his view by Raymond Barre, former French Prime Minister and also a former Commissioner, who, when discussing the construction of the European Union, said “I have never understood why public opinion about European ideas should be taken into account”.

They were right of course, for attempting to create a dictatorship with democratic means is quite hazardous and prone to failure. The outcome of a referendum (a splendid democratic instrument) on the ‘European Constitution’ (that would have turned the EUSSR into a true dictatorship) in the Netherlands and France in 2005, and the justified distrust that (the people of) most other nations cherish towards Brussels, showed that a united Europe is far from popular among the citizens of the European nations: the only support for this miscarriage actually comes from a small gang of sleazy politicians and a band of stoned supporters. Ironically, the EUSSR’s own surveys show that only a small minority (5%) of the citizens of the member states regard themselves as ‘European’. The majority view their nation as their sole or principal affiliation. The EUSSR survey ruefully admits that “a sense of sharing a common identity does not appear to have become more widespread over the years.”

From these (and other like) surveys the EUSSR has well understood that in order to survive, she must make sure that all European nations (identities) are destroyed and replaced by one common identity only, to wit the European. To achieve that, it is first of all necessary that the puppet governments of the vassal states rid themselves of the native nations they hold within their borders by committing ethnocide on them, which is therefore condoned and maybe even commissioned. Secondly (and this operation runs parallel with the first), the identity of the states themselves must be destroyed, which is achieved by swamping those states with as many so-called immigrants as possible from all foreign parts and regardless whether they can (e.g. through education or specialised knowledge) contribute to a European society or not. This policy, which is supported by the human rights treaties the Euro-Nazis drafted themselves and for their own convenience(!), and others, is not about providing safe shelter to poor refugees, but it is fully aimed at the destruction of the European peoples and their identities. After all, if there is no nation with an own identity, nobody needs to worry about any nation hitting upon an outrageous idea of seeking independence (which would result in a rise against the EUSSR).

A national socialist state is a nightmare, but a regional socialist superstate is a true hell where the light of eternal darkness shines on enslaved individuals who are in fact forgotten prisoners of Castle Mare. The EUSSR is such a superstate in the making. It is a bulwark of socialism, where the socialists run the show, and they do so likewise in the majority of her vassal states where they however act as mere puppet governments. No surprise, then, that under the Brussels regime the Western so-called democracies

¹⁵³ Another similarity with Nazi-Germany: in contrast to what the socialists insist, Hitler was not a right-wing extremist, but a left-wing extremist. This is not strange, for after all, national-socialism is also socialism. It is however politically incorrect to assert this, and it would be too inconvenient for the socialists to admit that.

are reverting to a system where an un-elected elite assumes control of the commoners it regards as incapable of making their own decisions. In historical terms the descendants of Europe, which brought the world the renaissance and enlightenment, have been governing themselves for a very short time. The rule of Kings and Pope did give way to self-determination and it appears that a recalcitrant elite wishes to correct this confusing state of affairs and regain the control it enjoyed for millennia.¹⁵⁴

There are many similarities between the National-Socialists (Nazis) of the Third Reich and the present International Socialists (Internazis), both those who are now engaged in building the Fourth Reich and others. All Third Reich policies appear to be continued by her successor, including the witch hunt against the Jews, which apparently is carried out by the United Nazis and the Euro-Nazis in tight cooperation. Both still blame the Jews for all problems and misery in the world, today especially those in the Middle-East, and nothing would provide them with more pleasure than wiping Israel off the map with the help of their friends and allies, the Palestinians.¹⁵⁵

The major difference between the Nazis and the Internazis in fact is, that the former oppressed foreign peoples and destroyed them by committing genocide on them, while the latter now oppress native peoples and destroy them by subjecting them to ethnocide. A peculiar difference is that the Nazis formed a homogeneous group, while the Internazis come in many different tastes, like the United Nazis, Euro-Nazis, health-Nazis, neo-Nazis, and many more.

All those people who distrust Brussels, and who fight the EUSSR with all their might, are no fanatical, fundamentalist europhobic nutters who have no idea what they are talking about. On the contrary: they have actually seen, recognised and understood the danger this busybody dictatorial monstrosity poses to both the freedom and happiness of the individual and to the unique identity of the European nations. Under no condition will they accept this:



The people fancy no totalitarian European police state, and the sooner the emerging Evil Union is dissolved, the better it is for all nations and people. There is however nothing against cooperation on a European level, as long as it concerns a cooperation between independent nation-states, based on conventional international treaties under conventional international law, and as long as the citizens do not object to such treaties.

¹⁵⁴ Comment on the web site of Forces International <<http://www.forces.org/fparch/082203.htm>>.

¹⁵⁵ In 1990, with the help of the UN and the EUSSR, an Arab manipulated map of Palestine was drawn, on which the state of Israel no longer appeared. The former UN-delegate William Barkley responded to this with: "The UN is the largest assembly of anti-semites since Hitler".