

CHAPTER 6

The Principles of "Human Rights"

Conflict of Civil Rights and Responsibilities

If we accept the premise that the function of the State is to serve the interests of its members, and we refuse to accept that the only justified function of the individual is his contribution to the glory of the State, then these principles follow:

(A) The right of the individual to promote his own interests must take precedence over all other rights and must BE LIMITED ONLY by his personal responsibility to compensate for any damage he may cause to other individuals by violating the equal rights of others.

(B) The only basic right of the State is to defend its voluntary members from damage or threatened damage (prevention).

The acceptance of these basic rights and responsibilities justifies a series of consequential rights of the Individual and the State, or other community, which are necessary to ensure the operation of the basic rights and to negate another series of rights.

(A) INDIVIDUAL RIGHTS.

The first group of rules ensures the rights of the Individual and minorities from oppression, persecution and exploitation by majorities or the State.

The best known attempt to codify rights and guarantees for the freedom and equality of human beings is the Universal Declaration of Human Rights proclaimed by the United Nations in 1948.

Articles 1-12 of the Declaration deal in a general form with the freedom and equality in law of all men. It was expected that if these rules were accepted by a State the basic rights of the Individual would be protected.

Articles 13-15 provide the Individual with the most vital protection from persecution, by proclaiming the right of freedom to leave any country and to seek asylum in other countries.

Article 16 deals with the protection of family life and marriage. Article 17 proclaims the right to private property.

Articles 18 and 19 proclaim — unfortunately in a very gene-

ralised form only — the right to hold and to peacefully publicise opinions.

Article 20 declares the vital right that "No-one may be compelled to belong to an association". Article 21 states the right of participation in the government of the State through "universal and equal suffrage".

Articles 22 to 28 are intended to ensure the right of the Individual to social security such as the right to work, to a minimum wage, certain working conditions, housing, medical care, pensions, education, copy-rights and to "social and international order".

These articles (22 to 28) contain a complexity of "rights" some of which flow directly from the requirement of equality (such as 23 (2) ". . . equal pay for equal work").

Some of the other "rights", however, imply a general and **unequal** responsibility for some individuals to provide undefined and unlimited social security to other individuals. This is completely contrary to the basic principle of the Declaration: that is — EQUAL rights.

It is unfortunate that the Declaration contains serious contradictions to its original principles by including unspecified unequal responsibilities, giving rise to the irresponsible and unlimited expectation that any community (or humanity as such) "owes a living" to any person.

It is just as unfortunate that the Declaration is most vague on the definition of justifiable restrictions on individual rights. The lack of guidelines on how a community may ensure that the exercise of individual rights shall not damage other people has become the cause of the greatest number of conflicts in contemporary society.

(B) INDIVIDUAL RESPONSIBILITIES — (COMMUNITY RIGHTS AND THEIR LIMITATIONS).

Only Articles 29 and 30 of the Declaration deal — in an extremely vague manner — with duties or responsibilities and obligations which individuals must accept to ensure the extension to them of the same rights as their fellows.

The guideline for the limitation of the right for individual actions is contained in less than 50 words:

"29.(2) . . . everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others

and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

The rights of the Individual can only be exercised if he is protected from damage, interference and oppression caused by the exercise of the freedom of other Individuals. Without restraint of the common criminal man is just as oppressed as if he were in the slavery of a dictatorship.

It is obvious that if freedom is to be upheld no individual can be permitted to cause damage to another and that groups of individuals and minorities must not be permitted to force their will on the rest of the community.

There is no argument against the need to suppress "crime" and that any individual or group of people should be prevented from persecuting or oppressing any other group of people. Whilst the "basic human rights" deal principally with the prevention of the persecution of individuals and minorities by majority groups and States, a **declaration of "basic human responsibilities" is equally necessary** to deal with the prevention of individuals and minorities (such as criminals, conspirators, reformers) from forcing their will on the majority of the State — in opposition to the principle of Equal Rights.

The Conflicts in Civil Rights are symptoms of Confusion

The inconsistencies contained in such a carefully prepared document as the U.N. Declaration of Human Rights reflect the deepseated confusions which exist in contemporary democratic societies.

The citizens of our western democracies are dissatisfied with the abuse of the power of the State — even though civil liberties are incomparably greater in many respects than those enjoyed in most other countries. At the same time champions of freedom for the "non-conformist" want a welfare state with unlimited resources to supply all the needs of all people.

As a result of these diametrically opposite demands our societies are torn between various pressure groups (demanding ever-increasing freedoms for themselves, together with ever-increasing responsibilities for the rest of the community) and the **practical** alternatives available to elected governments or "Establishments".

While lip-service is paid to the supremacy of the interests of citizens, the Declaration of Human Rights is not ratified by

most countries. In practice many civil liberties and rights are restricted or completely denied by States.

States take away the freedom of choice in many actions. They interfere with the size as well as the spending of personal incomes. They force the Individual to do what the State dictates is good for him and forbid him to do what the States consider is not good for him. The State claims that it knows better what is in the interests of the Individual than does the citizen himself. It also claims that its directions are for the benefit of the "public" and it claims that such "public benefit" serves the interests of the Individual himself.

When the State takes over these rights it also attempts to take over many responsibilities which rightly belong to the Individual. The State declares itself responsible for morality and practises censorship; it accepts responsibility for some forms of production and introduces subsidies; it sets up controls which are responsible for channelling consumption into certain directions and the State becomes responsible for personal, living standards through its taxation and social service directives. As a result both rights and responsibilities are taken away from the citizen.

The average individual resents this. He strongly objects to the limitation of his freedom. He is also very critical of the State and considers that it does not discharge its responsibilities in a satisfactory manner. The citizen is willing to hand over his responsibilities to the community but in return he expects unlimited services.

This double dissatisfaction results in the polarisation of the established organs of the community, such as governments and other formal representatives of law and order on the one hand, and on the other hand groups of citizens who demand a change.

In the heated atmosphere of continuous conflict the merits of the demanded reforms or the existing laws are liable to be neglected. Inflexible battle lines form and the Establishment tends to maintain law and order even when the need for reform is evident, whilst the reformers begin to fight for change for the sake of change, irrespective of the merits of the case and often admitting that they have no programme for the future when the Establishment has been defeated.

Such polarisation is bound to sharpen conflicts to the

point of violence, which in turn is likely to result in the loss of democratic ideals in dictatorship or anarchy.

I believe that, considering the available alternatives, our societies are not so bad that **any** kind of change would be worth while. Besides, history shows that reforms born out of violence are not guaranteed to be more beneficial than peaceful change. Violent changes are certainly more costly and destructive in terms of human suffering.

It seems to me that **integration instead of polarisation could be a more fruitful approach in resolving conflicts**. I shall attempt to separate the confused mixture of basic human rights and responsibilities. I believe that a consistent statement of objectives provides common ground for protagonists of reform and the upholders of "law and order".

There appears to be more consensus between reformers and "Establishments" than between either of these and dictatorships or anarchies. This consensus is being forgotten in the heat of the conflicts.

I believe that clarification will eliminate the confusion which manifests itself in the symptoms of conflict such as the corruption and abuse of power by authorities etc. Once clearly defined, consistent application of basic human rights and responsibilities offers a series of solutions acceptable to those who believe, with the U.N., that the purpose of nations and other communities is the protection of the interests of the Individual.

Basic human rights belong in two distinct groups. The first group is intended to ensure the freedom of the Individual from the powers of authorities and/or majorities.

The second group is designed to protect the Individual from harm caused him by other individuals or minorities. Such protection is achieved through the concept of equality of rights, which in turn is achieved by limiting the rights of one Individual so as to avoid damaging the rights of his fellows. The limitations of individual rights are the civic responsibilities.

An Individualist Manifesto

(I) Basic human rights to define and ensure the freedoms of the Individual from the persecution and exploitation of the State by majorities or other pressure groups.

1. THE EXISTENCE AND THE POWERS OF THE STATE OR OTHER COMMUNITIES DERIVE FROM THE VOLUNTARY AGREEMENT AND CO-OPERATION OF THEIR MEMBERS.
2. Any INDIVIDUAL HAS THE RIGHT TO LEAVE OR JOIN ANY COMMUNITY (national, religious, economic etc.) WITH HIS PRIVATE PROPERTY. HE SHALL NOT BE COERCED TO BECOME OR TO REMAIN A MEMBER OF ANY COMMUNITY.
3. THE SOVEREIGNTY OF ANY COMMUNITY (Nation, Religion, Economic association etc.) SHALL BE LIMITED TO ITS VOLUNTARY MEMBERS DURING THE PERIOD OF THEIR MEMBERSHIP.
4. THE MEMBER OF ANY COMMUNITY HAS THE RIGHT TO BE DEFENDED BY THAT COMMUNITY FROM HARM CAUSED BY OTHERS.
5. THE PRIVATE BEHAVIOUR OF CONSENTING ADULTS SHALL NOT BE REGULATED UNTIL IT DAMAGES THE COMMUNITY. IT IS NOT THE FUNCTION OF THE COMMUNITY TO PROTECT THE INDIVIDUAL FROM HIMSELF.

(II) Basic human rights to protect the equal rights of the Individual from harm caused by other individuals or by minority pressure groups.

Definition of responsibilities.

6. EVERY INDIVIDUAL IS PERSONALLY RESPONSIBLE FOR OBEYING THE LAWS OF HIS VOLUNTARILY CHOSEN COMMUNITY and for compensating the victims of his actions for damages caused.
7. THE DISTRIBUTION (SHARE) AND LIMITS OF PERSONAL RESPONSIBILITY MUST BE DEFINED AND DAMAGES ASSESSED ACCORDING TO INTERNATIONAL LAW.
8. ALTHOUGH THE INDIVIDUAL HAS THE RIGHT TO LEAVE A COMMUNITY, THE LIABILITIES INCURRED DURING HIS MEMBERSHIP (tax, compensation for damages etc.) MUST BE INTERNATIONALLY ENFORCEABLE.

9. To ensure equal opportunity, ALL INDIVIDUALS HAVE THE RIGHT AND OBLIGATION TO SHARE EQUALLY IN THE RESOURCES, ADVANTAGES AND DISADVANTAGES OF NATURE AND THOSE CREATED BY THE COMMUNITY (such as land-value increases etc.) WITHIN THE LIMITS THAT THEY DO NOT CREATE MORE CHILDREN THAN THE OPTIMAL POPULATION INCREASE ACCEPTED BY THE COMMUNITY.
10. THE INDIVIDUAL HAS NO RIGHT TO EXPECT FROM THE COMMUNITY THAT HE SHOULD BE SUSTAINED BEYOND THE EQUAL SHARE DUE TO HIM. SOCIAL BENEFITS AND COMPENSATION FOR DAMAGES MUST COME FROM SUPERANNUATION AND INSURANCE FUNDS CREATED FROM INDIVIDUAL CONTRIBUTIONS.

Reforms to resolve conflicts

(1) CIVIL RIGHTS.

If we keep in mind that the ONLY BASIC RIGHT of a State or community is to defend its voluntary members from damage or threatened damage (prevention) then several consequences follow:

1. The existence and powers of the State or other communities derive from the voluntary agreement and co-operation of its members.
2. Any Individual has the right to leave or join any community (national, religious, economic etc.) together with his private property. He shall not be coerced to become or to remain a member of any community.
3. The Sovereignty (the right to enforce its rules) of any community (nation, religion, economic association) shall be limited to its voluntary members during the period of their membership.
4. Each member of any community shall have the right to be defended by that community from harm (equal rights) caused by others.

We must consider some **guidelines** directing the attitudes of communities in their activity, to defend the equal rights of their members from other members and from other communities.

Society must define the meaning of:

- (a) **what** is and what is not in the interests of the community of its members;
- (b) **what actions are beyond the limits of tolerable nuisance** or offence so as to be considered an attack on the interests of the majority of its members.

The definitions of both "the interests of the community" and the degree or intensity of some irritating nuisance which changes an activity into offensive behaviour which should be prevented in order to protect the community from damage are subject to constant change.

The meaning of one's "interest" is different to a devout believer of life-after-death from the meaning to a person who

lives only in the present. Someone who is unaware of the harm which smoking may cause will not believe that the pleasures of the practice are against his interests. Certain actions, such as pollution, do not significantly harm public interest until the intensity of the practice reaches a certain level where it noticeably threatens or damages the community.

Consequently **the guidelines to how** society should **prevent** the offending individual or minority from persisting with actions which the community at any given time considers to be against its interests, without persecuting the Individual and abusing its powers, cannot deal with the merits or counter claims concerning **what** is or what is not "offensive" or "harmful".

The function of society is **to protect** the interests of the community of individuals whatever these interests have been decided to be.

Guide-lines to Protect Minorities

The most serious conflicts over civil liberties involve the reconciliation of the rights of the Individual with his need to be defended.

Since the definition of **what** constitutes the interests of the Individual and of the community of individuals changes constantly, the guidelines suggest conditions which are likely to ensure **how** the conflicts may be successfully resolved.

- (a) The body which decides from time to time what is the "public interest" must command trust.
- (b) There must be effective means for the Individual to express dissent and to change the laws as well as the membership of the legislative bodies.
- (c) The privacy of the Individual must be ensured.
- (d) The right to opt-out and leave any community must be ensured.
- (e) Asylums and Sanctuaries must be established for non-conformists.

(a) Trust.

I do not propose to deal here with the reasons which, cause in contemporary societies, the "credibility gap", the "generation

gap" and "hypocrisies" which result in the mistrust of authorities. This subject is dealt with elsewhere in this volume.

It is, however, essential to resolve the conflicts of civil liberties so that both the legislative body (parliament, politicians) and the executive arm (police, administrators) of the community shall command the trust of society.

Authorities which cannot be trusted and which refuse to change their decisions in the face of good reasons do, historically, cause their own downfall.

(b) Freedom to dissent and to change Governments.

It is the basic right of the citizen to dissent, protest and attempt to change or evade the laws of his community in the pursuit of his interests.

The Individual must have effective means of changing laws (which define "public interest"). He must have **freedom to express and publicise his criticism, dissent, protest and objections** — even if they are considered by others to be "heresies", "obscene", "blasphemous" or "seditious": provided (1) that the publication of such objectionable views is limited to citizens qualified to change the laws (electors, voters), **and** (2) that his proposals will not diminish the rights of other individuals to the same right of dissent and protest which is presently enjoyed. (This qualification would deny the right of dissent in a democratic community for the protagonists of racial, religious or dictatorial supremacies.)

All contemporary countries — including those which are in practice dictatorships — ensure in their constitutions the right of their citizens to express their opinions as well as to elect, by vote, their governments.

We all know how the words of the most noble constitution can be twisted into the practice of brutal oppression or secretive elimination in the name of "the interests of the State".

For this reason it seems fruitless to propound the obvious merits of Proportional Representation methods when we have no assurance that any method of representation will in fact be practised in the way it was originally meant to be.

I consider it much more important to enact such measures as will ensure that the Individual shall have the opportunity to escape the oppression and persecution of the State and other

communities if governments evade the constitutional rights of their members to free expression and effective opportunity to change their parliamentary representatives.

This is where the importance of the fifth Article of the proposed INDIVIDUALIST MANIFESTO becomes apparent.

(c) The privacy of the Individual must be ensured.

Whilst behaviour in public may harm the public interest (threats to safety or health such as public nuisance of noise, smoke, pollution; offensive behaviour) — "THE PRIVATE BEHAVIOUR OF CONSENTING ADULTS SHALL NOT BE REGULATED UNTIL IT DAMAGES THE COMMUNITY.

"IT IS NOT THE FUNCTION OF THE COMMUNITY TO PROTECT THE INDIVIDUAL FROM HIMSELF." (Extract from Individualist Manifesto Article 5 p.163.)

Communities without such safeguards are inclined to enforce the beliefs of their leaders on the Individual. The Inquisition put men's bodies to torture and death in order to save their souls.

Well-meaning social thinkers, just as much as well-meaning leaders of moralities, are inclined to "know better" what is good for the Individual than the person himself.

In many instances there is no doubt that moralists and social workers do know best but it is still not their function to force a person to follow a prescribed road to happiness.

The function of society is no more than to protect the interests of its members from the harm or damage (such as dependence on social welfare) which people may inflict on the community as a result of their inadvised behaviour.

Until such damage is caused to the community, then there is no cause to impose prohibitions or directions on the Individual.

This distinction is quite accepted, in varying degrees, in all communities although the principle is not clear.

Drinking in private, being disorderly, the practice of nudism, the performance of obscene plays in private or the mere possession of prohibited or censored publications or the performance of unusual sexual acts in private cannot be challenged by the police of most democratic communities which protect the privacy of the individual.

In fact police and doctors are powerless to protect people from the attacks of members of their families unless such

offence can be proven and protection is requested. A husband beating up his wife — a madman breaking up the furniture — are fully protected — until the assistance of the authorities is invited and justified. It is quite possible that family quarrels may blow over and that the actions of the "madman" may turn out to be nothing more than a hysterical outburst.

In a similar manner the community has no right to interfere in other private activity and behaviour — until the individual activity does in fact harm the public interest. When the private drinker becomes a public nuisance or menace; when the alcoholic or drug addict becomes a threat to safety or when he becomes dependent on public sustenance or public hospitals and institutions only then is it justifiable to regulate his freedom.

Society has no mandate to enforce or to prohibit any action or behaviour amongst consenting adults in the name of morality, religion or any other high principle — without clearly proving that such acts do in fact damage the interests of other people, or that the consequences of such behaviour cause significant cost to the community.

The principles of freedom of speech and communication and freedom of peaceful assembly include the tolerance of almost all activities in private and most activities of consenting adults.

Peaceful dissent, nonconformism in private, the evasion of laws of public behaviour such as reading or lending of "prohibited" publications, the commission of "immoral acts", the use of prohibited intoxicants or the practice of "unlicensed" activities such as "distilling spirits" or "Chiropractics" or even "sorcery" amongst consenting adults — are within the rights of the Individual.

Modern society tends too easily to interfere with the private activities of the citizen on the basis that regulation of private behaviour is an easy way to prevent harmful public activities. One justification is the financial dependence on social welfare funds of people who cause harm to themselves. With the ever-increasing shedding of individual responsibilities society can easily justify its need of interference in the private lives of its members. **It is vital for the protection of privacy to resist the temptation of passing individual responsibilities to society.** More of this later.

(d) The right to opt-out and leave any community must be ensured.

One of the basic freedoms of the Individual is the right to

move himself and his property from any community. He must not be compelled to belong to any association.

THE REMEDY FOR THE INDIVIDUAL who does not wish to submit to the laws of a society is to leave it and move to a community whose laws he does accept. For example, anyone who believes in the virtue of Communism must be allowed to go to a communist country and anyone living in such a country should have the right to leave that country and join another nation if he so wishes.

It is true that the inconveniences of migration (such as language difficulties) make such a drastic refusal to submit to local laws very difficult. However the existence of such an alternative to submission would be a curb on any government which is truly upholding the rights and protecting the interests of the Individual whilst it acts in a way which it thinks is necessary to protect the interests of the majority of its members.

It is vitally important in an age of numerous social conflicts to allow retreat from the pressure of the requirements of the community. If there is no escape from these pressures the Individual will automatically, even without just reason, rebel against the requirements of conformity.

(e) Asylums and Sanctuaries must be established for Nonconformists.

WHAT REMEDY exists for the Individual for whom the laws of all communities are unacceptable and who does not want to be a voluntary member of any existing community (anarchist, conscientious objector, "professional" criminal etc.)?

When there is strong and widespread resentment against community obligations such as conscription, it is often in the interests of society to provide some alternative obligation to avoid violence or even rebellion.

When education is obligatory it is useful to have alternative school systems available. If military service is compulsory it is practical to allow conscientious objectors to join other service organisations or the C.M.F. as in Australia. When "immoral" behaviour is prohibited in public there should be no interference with private conduct.

At the moment there is very limited opportunity for non-conformists to live anywhere without being subjected to community obligations.

In "National Socialist" countries, in dictatorships and in "People's Democracies" the nonconformist individual is at the mercy of the authorities. He is prevented from emigrating; he may be condemned to slavery in a "labour camp" or "re-education community"; or he may be summarily condemned and executed.

In "western-style" democracies the threats to the freedom of nonconformists are much smaller but their options are also very limited.

The only choice for an anarchist or nonconformist is between the alternative communities which are willing to accept him as a member. The choice then lies between those whose communal obligations are the least objectionable. As a "voluntary" member of such community, however, even a person who wishes to be "nonconforming" must be subject to the laws of that community.

"ASYLUMS" or nonconformist "SANCTUARIES" would be a desirable aim to provide refuge for those people who wish to escape the laws of existing communities. They would also provide a place of exile or isolation for those whom society found to be uncontrollable nonconformists and a threat to the peace.

Such SANCTUARIES could be set up within national boundaries and given "extra-territorial" international rights. Individuals who choose to live within such boundaries and those exiled would be left to their own devices to govern themselves.

It seems feasible to create several such areas within every nation so as to permit the formation of communities whose members are likely to submit themselves to similar sets of rules (religious, anarchist etc.) and other areas where exiles may live.

The economic basis for such communities would be provided **firstly** by the private property of their members, **secondly** by their inalienable share in the natural resources revenue of the earth. Their commercial dealings with other communities would be subject to international rules. They could buy electricity, water supply etc. and they could visit the larger communities to work there — observing ruling laws while there.

Although the establishment of such "nonconformist" communities may seem revolutionary they already exist everywhere in lesser or greater degree.

Such "SANCTUARIES" are really the logical extensions of the right of privacy. No authority has the right to enter the home of a citizen without justification. A great variety of activities are permitted within the privacy of the four walls of the home, or within the boundaries of land properties, which are not permitted at all or which require a licence if performed in public.

In a democratic state the police cannot interfere with citizens who gamble in private; no-one may be prosecuted for the possession or use of prohibited publications; most sexual practices between consenting adults are permitted and one can drive a motor car on private property without a driver's licence.

The need for the establishment of sanctuaries and their size should depend on the number of causes and the number of people who become so alienated from the larger community of a nation that they are willing to relinquish the obvious benefits which their society, with its greater resources, can offer them personally.

Conversely, it would not be in the interests of a nation to alienate a significant number of its members because their resignation and departure would decrease the advantages dependent on a large, united and satisfied population.

The practice of establishing such sanctuaries would satisfy the aspirations of many national independence movements within a reasonably friendly framework. The permission for the establishment of such independent communities may be regulated in a similar manner as private companies are registered today within large areas of landholdings. This may provide an immediate practical solution for the most pressing revolutionary movements. It is realised that national security might be greatly threatened by the existence of sanctuaries located in strategically vulnerable areas. However it might prove to be less dangerous to contain and control from the outside of a geographically remote area rebellious individuals who will not join (emigrate to) the external opponents of a nation than to fight them individually within the community. At the same time the establishment of sanctuaries might completely satisfy the requirements of the majority of nonconformists

The mere existence of sanctuaries and the practical experience gained by dissenters who lived within their boundaries might act as a catalyst for many unrealistic idealists who would, after living in some sanctuaries for a while, elect to rejoin the

main body of the community.

Similarly, if the attraction of some of the sanctuaries were so great as to disrupt the existence of the larger community, the members of the latter would be likely to modify their laws to incorporate the desires of the previously alienated citizens.

(II) CIVIL RESPONSIBILITIES.

Just as the Individual must be protected from the persecution of the community (genocide etc.), he and the majority also need to be protected from the attack of other individuals (criminals) and from the attack of smaller or larger pressure groups or minorities.

Without such assurance there would be no reason at all for the existence of communities and the freedom and basic human rights of the Individual would be meaningless.

To ensure the protection of the equal rights of their members all communities limit the rights of the Individual.

(Extract from "INDIVIDUALIST MANIFESTO": "**(II) Basic human rights to protect the 'equal rights' of the Individual,**" p.163.

6. EVERY INDIVIDUAL IS PERSONALLY RESPONSIBLE FOR OBEYING THE LAWS OF HIS VOLUNTARILY CHOSEN COMMUNITY and for compensating the victims of his actions for damages caused.
7. THE DISTRIBUTION (SHARE) AND LIMITS OF PERSONAL RESPONSIBILITY MUST BE DEFINED AND DAMAGES ASSESSED ACCORDING TO INTERNATIONAL LAW.
8. ALTHOUGH THE INDIVIDUAL HAS THE RIGHT TO LEAVE A COMMUNITY — THE LIABILITIES INCURRED DURING HIS MEMBERSHIP (tax, compensation for damages etc.) MUST BE INTERNATIONALLY ENFORCABLE.)

Protecting the Majority

The community must have effective means to defend its members and the majority of its members from individuals and minority groups.

One of the fundamental human rights of a citizen is that his community should defend the exercise of his equal rights by

protecting him from attack, oppression, exploitation by others.

An individual or a minority has no more right to impose its will or views on non-consenting, defenceless (minors etc.) or objecting individuals or on a majority of individuals — in defiance of laws or basic human rights, than has any common criminal.

One must always remember that the nonconformist citizen of every democratic nation is assured of his basic human right to "leave any community". Therefore if a citizen chooses to remain voluntarily within a community and chooses to act against the laws of that community — he must accept the right of the other citizens: the majority of the community, to uphold and protect THEIR equal rights against his actions.

Whilst every citizen must have wide opportunities to induce his fellows to change the laws of the community he, as a voluntary member of the community, is just as responsible for breaking or evading political or economic laws (such as outlawed monopoly activity, restrictive practices, strikes, violent demonstrations or revolutions) as the common criminal is for burglary, blackmail, kidnapping or forgery.

The community must protect itself from the violation or threatened violation of its interests by some minorities who refuse to conform with selected laws and obligations, such as refusal to pay taxes for roadmaking or education or the disregard of some selected health, safety or economic regulations.

When political dissenters exert violence against vulnerable undefended sections of the community — such as the hijacking of aeroplanes, the kidnapping of hostages and the disruption of the orderly life of the community by violent demonstration or the "occupation" of public and private places and the destruction of property — they are just as responsible for the damage and the violence as any "common" criminal who violates the basic human rights of his fellows.

Justifications for breaking the law, the "moral code", "standards of decency", etc.

LAW is a guideline to advise and regulate the actions of individuals for the protection of other individuals.

According to the principle of "basic human rights", each person is free to do anything — provided that he does not harm or threaten to harm this self-same freedom or "equal right" of others to do what **they** wish to do.

Man lives in communities and his actions interfere with his fellows. Pursuing his own interests may knowingly or unwittingly bring him into conflict with others.

Such conflicts of interest range from "hurting feelings", "behaving offensively", "committing a nuisance", "obstructing the traffic", "defaming character", "evading his share of taxes", "failing to provide reasonable care", "inflicting bodily or mental harm" — to manslaughter and murder.

It is not practical to leave the decision in each conflict to the people involved. Therefore systems of rules are set up such as moral codes and laws — to regulate behaviour. As society increases in numbers and our activities become more and more complex the variety of offences against the interests of our fellowmen increases. The legal system and the power of the authority which administers it also increases and often a sense of inflexibility emerges.

It is forgotten that the purpose of laws and morality is **to serve** the interests of the people and not necessarily to enforce the letter of the law or moral codes of behaviour which may have been relevant under different circumstances but have since become irrelevant.

The interest of the Individual is often in direct conflict with the interest of others — even his closest friends. The law or morality has, however, no justification to interfere with **all** behaviour of the Individual.

Morals and laws are justified only in protecting a person, or the community, from harm. **In principle** this protection can only be carried out by setting strict rules: "do not cross the street against a red traffic light". **But in practice** no harm is caused if you cross when there is no traffic about.

The Individual may often strongly disagree with the moral code or the laws and decide that it is more in his interest to break them than to obey them. Hence the "white lies", the use of office stationery, "expense account" spending, "innocent" bribes; "immoral" and "indecent" actions.

Well, so long as the responsibility of the Individual for the consequences of his actions remains and if need be, it can be enforced — **it is not the function** of morality or the legal codes to interfere with all "immoral" or "illegal" behaviour just for the sake of maintaining the sanctity of the codes, the "letter of the law".

The function and only justification of public morality and legality are to protect the equal rights of citizens from harm. If it cannot be shown that a specific act did in fact cause harm in contravening set rules, then it cannot be considered as contrary to the spirit of moral and legal restraints.

This attitude may arouse strong opposition from people with even a little "moral sense". All of us have a strong sense of decency and of right and wrong. Yet we all transgress; we all break some of the rules sometimes.

However when we realise that the true function of both morality and legal systems is the protection of the "community" from actual harm, then it is quite reasonable to "break", "avoid", or "evade" strict rules when in fact no harm is caused and when there are no victims.

THE INDIVIDUAL MAY BE JUSTIFIED IN BREAKING THE LAW AND MORALITIES. BUT HE CAN NEVER BE JUSTIFIED IN ESCAPING RESPONSIBILITY FOR THE DAMAGE CAUSED BY HIM.

On Individual Responsibility

There is no argument over the responsibility for the consequences of breaking laws in the pursuit of personal gain or causing harm to others. Even when a person acts within the law convinced that he is not causing harm, he can not evade responsibility for unforeseen consequences.

One may feel justified in driving across an intersection against the traffic signals. If there is no harm caused — the spirit of the law was not violated. But if any harm results — then the justification is evidently unacceptable.

It is essential to realise that no justification can relieve an individual from his responsibility in principle. If harm results personal responsibility must be enforced. Personal responsibility remains even in cases when the Individual persists in arguing with the law.

There may be many just and honourable reasons for changing moral codes or laws.

The concept of knowledge, the ideas of good and bad — harm and damage — change all the time. To make a person deliberately ill is wrong. But when the principle of vaccination has become accepted most objections against the harm of an inoculation have been waived.

Our times see great changes in knowledge, great changes in the meaning of what is and what is not harmful. There are drastic changes in what is considered immodest, obscene behaviour and in the rights and wrongs of economic practices. There are grave disagreements concerning the benefit and the harm of the exercise of discipline by schools over students, and even in the question of the right of authorities to enforce laws which are unpopular — or at least objectionable — to a vocal or significant minority of the community.

It is historic fact that laws, as well as moralities, change in response to changed views over the meaning of what is harmful or good.

It is also historic experience that changes do not guarantee perfection — not even necessarily improvement.

New laws, whether they are introduced by popular consent of the majority (as in Nazi Germany), by "experts" or through pressure from victorious minorities, may bring great improvement but they may also cause great actual harm.

There can be valid and very good reasons for justifying the breaking of laws which we consider to be wrong. There

are social and economic injustices; there are wars which should not be fought; and there are laws which oppress and persecute innocent people.

It is essential that these laws, which we consider bad, should be changed.

Sometimes we may consider that the best and easiest way is to evade or break them, hoping to escape punishment. We may hope that a law which too many people disregard and break and which therefore cannot be enforced, will be changed.

In some instances reformers may want to change rules, constitutions or the electoral system by which laws are created by peaceful means. And in some instances reformers may think that any means, including violence or revolution, are justified to change the laws considered to be bad.

There are many justifications for breaking laws and also for the use of violence. There are also justifications for not breaking laws and not using violence.

The promotion and acceptance of reforms depend on the weighing of the probable benefits and disadvantages which the changes would bring for the community. There is always a natural resistance to change, to shocks, to violence, to the unknown. There is also a natural fear of the consequences of "lawlessness" and the irresponsibility or difficulty of enforcing responsibility which is associated with a state of "lawless" conditions. There is also justifiable fear that the reformers, who are always a minority of activists, may enforce their minority views against the wishes and interests of the majority of the public. There is an obvious fear that the more violent revolutionaries become in order to achieve their objectives, the more violently they will impose and enforce their laws on the community.

"One can't make an omelette without breaking eggs" — is a popular justification for the necessity of violence in carrying through reforms.

This may be so but if the ingredients of social change are human "eggs", their interests must be protected against all protagonists.

The essential function of any society is to protect the Individual from harm.

Society therefore must protect its members from harm according to its existing laws and subject to the basic human

rights which supersede the laws of any community. Whoever breaks laws and causes harm to other individuals who are under the protection of society must be responsible for the damages caused.

Reformers, in my view, are no more exempt from personal responsibility for breaking laws than are we all when — in the hope of not causing harm — we defy traffic regulations and evade or violate current moral codes and existing laws.

The justification for acting violently may be overwhelming as in self-defence or in war. But the individual must act in the full knowledge that his justification can be only a mitigating factor. Only if it is fully accepted by a court of law can it result in absolving the individual from any share in the responsibility for the damage caused.

Definition of Responsibilities

It took thousands of years before mankind devised reasonably operating communities which at least pretend to behave in accordance with "Basic Human Rights".

Ideas on absolute personal responsibility are still only vaguely accepted, while the definition of the extent or the limits of responsibilities become more and more difficult with the complexity of human activities.

We are only beginning to realise how extremely difficult it is to evaluate the overall benefits or harm of products and practices created by industrial progress. Whilst the immediate results may be beneficial, most great discoveries have unsuspected side-effects which often turn out to be very harmful.

Only since the second World War have we become conscious of the responsibility of soldiers as well as administrators. Even if their responsibility may be shared with their superiors who give them orders and instructions, we have a vague realisation that a guard in a prisoner of war camp, a pilot flying on a bombing mission, a civil servant signing documents which result in the extermination of a racial minority may be called to account in the same way as a common criminal.

The culmination of the public awareness and acceptance of the principle of personal responsibility is the recent "massacre trial" of American combat soldiers — by their own nation.

The principle of personal responsibility is widely accepted in democratic countries but it will take long and hard consideration before a body of guidelines and laws will develop.

It is, however, essential that people should already realise that the principle of personal responsibility exists and that it will be upheld. This knowledge would deter many irresponsible acts. People who can break laws today without the threat of being required to make compensation for the damage caused, would obviously use more consideration and restraint.

I venture to sketch out an outline

- (a) to define responsibilities for damages caused by actions, misadventures, omissions or exploitation;
AND
- (b) to suggest ways and means for practical compensation in a manner similar to that in which civil liability or accident insurance operates.

(a) RESPONSIBILITY for compensation should fall on Individuals or groups of Individuals such as members of criminal gangs; groups of businesses; members of associations; providers of some service; inhabitants of certain localities etc.

(b) (1) COMPENSATION must be provided by compulsory and contributory insurance for damages caused WHEN the funds of those responsible have been exhausted or when they have no funds.

Such funds should be contributed primarily by those whose activity causes damages; secondly by the groups of persons who are the victims and thirdly should only be supplemented by community contributions.

(2) Compulsory and contributory community insurance must provide compensation WHEN

responsibility cannot be determined,
the person responsible is unknown,
the person responsible is an unidentifiable member of a group.

Such insurance funds should have higher premiums for people whose activities contribute in a larger than average measure to specific damages (participants in

dangerous activities such as racing car drivers; suppliers of dangerous products or services such as drugs, cars; inhabitants of districts where local vandalism is high etc.).

- (3) Monopolies, exclusive privileges exclude, deprive individuals from direct benefits of monopoly practices though the community has to shoulder eventual damages.

Monopoly advantages — as different from the results of individual exertions — will be distributed within the community which provides the opportunity and the permission for their practice. (Such monopoly advantages include those deriving from restrictive practices; economic concentration; natural resources and conditions; bureaucratic or political practices etc. — See: "Monopoly and the Individual" by G. Hardy. — Reform Publishing Co. 1965.)

The premiums of the compulsory, contributory insurance fund would fluctuate according to the incidence of claims caused by various groups of people. One would expect that the threat of increasing financial burden would act as a deterrent. Reductions in the premiums would be an incentive to decrease wilful irresponsible harm and would therefore increase public safety.

The Limits of Community Responsibilities

(Extract from "INDIVIDUALIST MANIFESTO." (p.164.)

- "9. To ensure equal opportunity, ALL INDIVIDUALS HAVE THE RIGHT AND OBLIGATION TO SHARE EQUALLY IN THE RESOURCES, ADVANTAGES AND DISADVANTAGES OF NATURE AND THOSE CREATED BY THE COMMUNITY (such as land-value increases etc.), WITHIN THE LIMITS THAT THEY DO NOT CREATE MORE CHILDREN THAN THE OPTIMAL POPULATION INCREASE ACCEPTED BY THE COMMUNITY.
10. THE INDIVIDUAL HAS NO RIGHT TO EXPECT FROM THE COMMUNITY THAT HE SHOULD BE SUSTAINED BEYOND THE EQUAL SHARE DUE TO HIM. SOCIAL BENEFITS AND COMPENSATION FOR DAMAGES MUST COME FROM SUPERANNUATION AND INSURANCE FUNDS CREATED FROM INDIVIDUAL CONTRIBUTIONS."

Whilst the community has no right to enforce a mode of behaviour which is designed to make its members happy, and should not enforce a particular morality and censor or prohibit activities which claim to defend the Individual from himself — neither is the community responsible for the harm and damage which individual members cause to themselves.

It is NOT THE RESPONSIBILITY of the community to provide unlimited funds for unlimited numbers of children, or for those people who choose to disregard advice against the harm of say, drug-addiction.

It is NOT THE RESPONSIBILITY of the community to provide unlimited funds, indefinitely for social benefits — just in the same way as it is NOT THE RIGHT OR RESPONSIBILITY of the community to interfere with the private behaviour of the Individual.

This separation of the rights and responsibilities of both the Individual and the community is of vital importance. Great many critical social conflicts of today are caused because of confusion at this point.

To claim the right for the Individual to act as he pleases and claim freedom from moral, sexual, censorship, drug-use prohibitions etc., one must accept responsibility for the consequential damage and burden arising from all actions of the Individual.

If the Individual refuses responsibility for his actions, then in fact he wants rights WITHOUT RESPONSIBILITIES.

In fact he says then, that if his immoral habits, his intemperance, his irresponsible, spendthrift behaviour lands him in trouble — he wants everybody whom he has defied, offended and harmed to come to his help and shoulder the burdens of the damage he has caused to everyone including himself.

If this is in fact what the Individual wants then it can rightly be claimed that he is irresponsible, and the rights of irresponsible people (such as minors or certified, mentally disturbed persons) must obviously be restricted.

This is the crucial point from which authoritarian, disciplinary communities gain their justification to interfere with and to regulate the behaviour of the Individual.

The Individual who expects the community to shoulder the RESPONSIBILITY FOR THE HARMFUL CONSEQUENCES OF HIS BEHAVIOUR CANNOT JUSTIFY HIS CLAIM FOR FREEDOM.

If society is expected to maintain the sick, the drunk, the pervert-turned-insane, the improvident and all those who are considered a "charge on society" — it is obvious that society is justified in interfering in its own interests, and to enforce some sort of rules, censorships and various stringent restrictions which may prevent an increasing dependency on the communal funds.

TO MAINTAIN, TO JUSTIFY HIS RIGHT TO FREEDOM THE INDIVIDUAL MUST ACCEPT RESPONSIBILITY FOR THE CONSEQUENCES OF HIS ACTIONS.

The freedom of action amongst consenting adults can only be justified under these circumstances.

The community should limit or regulate private activity only to the extent that it harms the interests of others.

This limitation of community interference does not mean that it should not provide any rules and regulations. The regulations should mainly be advisory.

Most traditions and moralities contain a great body of wise advice for general behaviour. As living conditions and social activities change and develop, everyone needs guidance in complex and new activities.

In a world of advertising and psychologically devised "hidden persuasion" the citizen needs information and "counter persuasion" to be able to make reasoned choices.

In a commercial, affluent society the rights of the Individual are exercised mainly as a consumer. He has to make choices amongst merchandise, the true qualities of residual harm of which he is unable to assess. He often enters into contracts to purchase a house, credit or services without understanding his contractual rights and obligations.

It is clearly in the interests of the Individual that knowledgeable people and independent authorities should provide him with advice and protection.

Consequently, it is in the interests of the Individual that regulations be enacted which imply certain responsibilities in contracts, provide some safety provisions or prescribe compliance with some requirements such as health or building regulations.

If, however, we want to ensure the freedoms and the rights of the Individual, the powers of the community must be primarily advisory; they must not intrude into the private actions amongst consenting adults; they must uphold the right — and provide opportunities — for the Individual to dissent, to protest peacefully and legally, electorally change laws and regulations. He must have the right and opportunity not to conform and also to leave the community.