

Footnote: Essence of a Bill Of Rights

Under capitalism, the individual and the family are forever open to being strangled by recession, pillaged by unscrupulous corporate predators and raped by elephant-footed state bureaucracies, mindlessly adhering to idiot rules. It is time the individual and the family had some proper protection. [PDF]

Society is a complex dynamical entity. It has no firm structure. It is not ordered upon a single hierarchy. Its structure depends on who you are. It has an infinity of hierarchies, depending on from where you are looking. The rich see it as one thing. The poor see it as something completely different. Every individual has a [different view](#) of it.

The Official View

Those who govern society are all of an ilk. Their individual points of view are similar. Even the views of those at opposite poles of the political divide seem to converge to what seems to me a fairly narrow vista. So although its embracement of all the main political colours renders it a little fuzzy at the edges, it is regarded as the one true view of society. But there are two serious flaws with this view:

1. It is only one of an infinity of equally valid views.
2. It is a global view. It only sees society as a whole.

It is the view of the influential few, looking down through a perceived social hierarchy beneath them. Their objective in enacting law is to make society *as a whole* operate smoothly. Their economic policies are formulated to make the economy *as a whole* healthy and prosperous. Whatever trauma is ruining the lives, hopes and dreams of individuals and their families beneath the surface does not reflect on those who govern. The only thing that matters is the national 'bottom line' of doctored statistics.

A Different View

What any individual means by 'society' is nothing more than his particular perception of the vast interacting mass of human life-forms, of which he is one. Society exists only in the mind. It is merely a secondary effect of something else, namely a statistical picture of all the personal relationships, which exist between those interacting individuals. It is the overall cacophony produced by the myriad [small-world networks](#) that crystallise out of the world's 6 billion human nodes.

As with all complex dynamical systems, the overall picture of society is no more than the statistical effect of the rules which regulate the personal relationships between its members. To create a fair and equitable society, it is therefore necessary to forsake the monolithic global views of the influential few and their puppet governments, and focus upon a more fractal view of the doings between each and his neighbour. Law must be redefined as the interface protocol by which all such doings are conducted.

Protecting The Individual

The first priority of law must be to provide a protective filter around the individual to prevent any action by any other individual, group or authority from harming him, his family or their well-being

- physically,
- psychologically,
- socially,
- legally or
- economically.

This filter must guarantee that uncoordinated acts by different [official departments](#) and large corporates, by enforcing instruments of law which are mutually incompatible, can wreak harm on neither the individual nor the family, either in fact or by threat.

In the event that this first priority law be violated, the fault shall be deemed to be that of society as a whole. This is because it would be society as a whole who had failed to protect the injured individual. Consequently, it is society as a whole which should be responsible for providing remedy to the injured individual. Then, if the injury were a malicious act on the part of another individual, group or authority, society as a whole can seek recompense from them. This way, remedy can always be provided in full.

This should also be so where the harm to the individual results from the action of a law or an official procedure which is [unfit for the purpose](#) for which it was enacted. The manufacturer of a law (namely, Parliament) should be liable for any undeserved harm, damages or consequential losses that law wrongly causes people.

This would surely have curtailed the rash of Acts we saw spewing out of Parliament in the 1980s. Far from defending the individual against the malfunctions of authority, this endless torrent of legislation relentlessly chipped away the individual's standing in his dealings with authority, with the result that he ended up more and more short-changed. This was done by reversing the [direction of default action](#) so that instead of the burden of proof being the State's, the onus was stealthily transferred to the individual to prove and 'to provide evidence that' he was not obliged to 'do this' or 'pay that'. And this went so far as to make 'a payment' automatic unless specific action was taken by the individual to stop it. In any quest for a free and equitable society this was indeed the most retrograde step imaginable.

Economic Protection

This core shield of legal protection around each individual would be wholly ineffective if it were not accompanied by economic protection. Each must possess and have the use of *adequate* means to function *properly* as a member of the society within which he lives. The precise interpretations of the subjective words 'adequate' and 'properly' must not be left to aloof bureaucrats. They must be determined by those to whom they apply, which should be, in effect, everybody.

Its economy may be booming. Employment may be total. Poverty may be non-existent. But if the workings of a society allow the possibility of poverty, then its constitution is flawed. One may rest assured that if, in any given economy, poverty *can* happen, then sooner or later it *will* happen.

Economic protection also must be a fundamental human right. The only proper way to make an economy fail-safe for every individual is to return to each his [rightful inheritance](#), namely, his fair share of the natural wealth-generating resources of the planet. As a temporary substitute, within the present capitalist context, this could be implemented as a universal [inheritance bond](#) which would at least guarantee every human being an unconditional [income of dignity](#).

Conclusion

I believe that these protections should be enshrined within a bill of rights which neither the State, nor society in general, nor any authority nor any corporate entity has the power to violate. I believe also that a publicly funded means of instant appeal should be set up as a sentinel against all potential violations with the power to prevent them before they have chance to occur.

I believe that it is society's duty to ensure that the needs and interests of every human being, no matter to which majority or minority he may belong, be fairly and equitably provided. In the context of a [democracy](#) this can be achieved only through a moral re-education of the popular conscience to vote and work for the common good - in other words, to teach each to love his neighbours as himself. In order to work, this morality must be built into the fabric of all legal, official and commercial processes and practices as well as into the minds of the people.

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