

# Drowning In Democracy Suffocating In Liberty

A short look at how America's Founding Documents are destroying justice.

Abstract: America, like Rome, is not being destroyed by external threats. Tension is built into its fabric due to its founding documents. The right to liberty and the pursuit of happiness cannot but lead to unresolvable conflict in a polity where the happiness of some is a burden on others. The joy of work is for others, oppression; the drug culture is life for some and death for others. When freedoms collide freedom only leads to war.

Democracy unleashed, is a good way to end up with slavery. Without built in protections and firewalls, wisely put in place by all democracy's, though these are never more than partial and limited, the logical place to end up is where Athens was, when it devised democracy, that is an antebellum slave state. What is more rational than that the democratic majority would enslave the losers of the vote? What represents the ideal of liberty more than the antebellum South? What is the distinction between autocracy, oligarchs and democracy? The only fundamental difference is the number of persons wielding power. What greater power is there than the power of life, death and freedom?

But cancel me, its not acceptable to find fault with democracy. The writer verges on apostasy who is critical of liberty. But why the fear of reality? Why not look at reality and see where the veneration of these ancient customs of liberty and democracy come from, and where they take us?

Liberals are strong supporters of both liberty and democracy and ought to be. Democracy and liberty are perfect liberal ideals. What needs to be questioned is why conservatives have jumped on this bandwagon? Might some caution be advised when two enemies share the same ideals? Liberal and conservative should not be enemies, or those on the right ought to consider if our conservative leadership has not been infiltrated, or brainwashed, by the enemy.

The Right tends to be portrayed as people who want capitalism to be the only game in town or as nervous nellys who want to slow down the rate of reform. In the mind of liberals our reactionary response to their progressive ideas is meant to give capitalists time to adjust to the ultimate demise of their position.

That the Right appears to be in chaos and conflicted by inner turmoil ought not be a surprise anyone least of all conservatives. We promote radically different ideas and principles from liberalism but attempt to package them in the same ideological narrative used by liberals.

What we will discuss here are three ideas, two of which are mentioned in the title and the other is law. Democracy validates law and liberty enlivens it. What other phrase has captured more imaginations than: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. Law is left out. It is the ugly cousin of the left, but it is through law that the pursuit of happiness will be channeled. It is democracy that will define our liberty.

Need we ask how this reference to inalienable rights endowed by the Creator, has validity in a secular nation? If we are not created, if we are not created equal, how do we have inalienable rights? In the Constitution of the United States, in Article V the statement is made that: *The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.*

One of these Amendments is the 16<sup>th</sup> Amendment, which reads: *The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.*

The question then arises how is the grand language of the Declaration to be reconciled with the reality of the Constitution? According to the Declaration we are all equal, while the Constitution establishes that lawmakers, especially the majority, are more equal than others. The Declaration declares we are endowed by the Creator with inalienable rights to liberty and the pursuit of happiness. What precisely does the Declaration mean by liberty, if two thirds of a legislature is able to amend the fundamental laws we live by, up to and including divesting us of our income?

How does one pursue happiness devoid of a livelihood?

How do we have inalienable rights when these are subject to change with a two-thirds majority vote?

It might be noted that not every American was keen on federating. Anti-Federalists claimed that the constitution would make a king of the president, that it favored the rich over the poor, big states over small, and small states over big; that it made the federal government too powerful and denied individual rights to citizens because it lacked a bill of rights.

The issue with the Bill of Rights was corrected partially in the Amendments, but this was a piecemeal response. Unlike England which has thousands of years of Common Law to flesh out the complexities of the written law, the US has had to specify every right and encumbrance.

What path is open to a nation built on an inalienable right to liberty? Must taxation not seem onerous?

Must not limitations on the Second Amendment appear to be attack on the memory and spirit of the Founding Fathers?

Yet, it cannot be denied that the U.S. is first and foremost a democracy, and a republic on the surface. Its public face is a republic, but the machinery of a republic is operated by various kinds of majority vote. For all of the bells and whistles and flowery language a party that captures 80% of the nation support is for all intents and purposes a tyranny. We suppose this will not happen, but not for want of the Democrats not trying. Through manipulation of the vote, open borders and cancel culture they are determined both to increase the relative number of Democrats and the absolute number of Republicans.

The dynamics of the American system favor the Democrats. Liberty is a conjugation of liberal as is liberalism. Conservatives have been left with little more to base policy on than reactionism. Liberals are seen as progressive and conservatives as regressive or reactionary. This is not good optics. What makes for better press than claiming one is for more liberty, more freedom, more ability to be and do? What is worse than coming out and telling people they are not old enough, not mature enough, not ready to enjoy such freedoms. Conservatives are always put in the position of playing the bad cop, or the anal retentive, strict parent. Liberals are more than happy to put us in this light.

What makes for better press that to promise everyone free health care, grants to pay off student debt, and open borders to the disadvantaged of the undeveloped world? The more grandiose the policy and the larger the tab the more Republicans feel compelled to fight against it.

To understand the situation just a bit more clearly; imagine an island with two groups. Each has its administrators, and each group wants to control the island. One group promises more freedom and more access to more goods and services to all. Free health care, free education, free food and so on are all promised. The liberal group will buy what is needed using promissory notes or credit. The

conservative group promises to spend less, give less and do less than their rivals. They promise to let those who work the hardest benefit the most. Yet, many on the island feel the deck is stacked against them and that those who own  $\frac{3}{4}$  of the island will always have the advantage.

The numbers do not favor the conservative group. Many on the island are willing to work hard but feel they need the support of the government to even up the playing field. Others believe the rich ought to do more and that there is no reason for a few persons to own most of the wealth.

In the early days of the community many islanders worked hard. Most saved and more invested and many did fairly well but over time events transpired to lower their relative standing. Over time a small portion got poorer and a small portion got richer. Over time there were more people doing less well than the economy. In other words, while the economy was growing it was not growing for an increasing number of persons.

Each time the left gained power they helped more and more people, but this help required them to tap the wealth of more and more of those who were not doing that well. The left was helping the worse off by those who were barely succeeding. The situation and the willingness of the left to help more and more persons means to get elected the Right had to make more and more concessions to the socialist world view. This is why the island regardless of the party in power or the rhetoric that was spilled over the airwaves, saw a gradual shift to the left.

Helping the less able with the fruit earned by the hardest worker, erodes the work ethic. This is true both for conservatives and liberals. Liberals look for free handouts and they want help with different areas of their life. This victim-mentality only deepens as things become harder for even the previously well-off. As their wealth erodes under the onslaught of free benefits given by both parties, the middle class ceases to be an inspiration for their less-successful neighbors.

At some point in the future liberals have enough support to push through constitutional changes that make a wide-ranging social benefit package part of the people's fundamental rights. This is a case of democracy and law working hand in hand to develop a liberty that is akin to the freedom of a farm animal. The point we are making here is that Democracy works to promote liberty through law, and laws must ultimately destroy justice.

If authorship defines ownership, then justice is a situation where each author owns what he or she creates. Rights come with authorship and only authorship.

There maybe some resistance to this kind of thinking especially from those on the left. Those who think differently are absolutely guaranteed to have the freedom to sign over as much of their wealth as they feel is warranted. The only thing that changes is that no one has the right to impose the cost of their choices or policy decision onto anyone else.

There is a way to access the wealth of authors and that is through power. Power can be leveraged on the personal level through armed robbery and assault and battery. A more efficient way is through legal channels. One creates a problem and solves it by enacting a law that requires accessing the bank accounts of citizens.

Such laws do not need to justify taxation or rapine. They only need to validate the solution. If poverty is said to be solved by taxing the rich this claim legitimizes both the social agenda and the method of its

promotion. The state does not produce anything of value. To solve any problem requires the state to access the wealth of authors.

If the state has raised an army then it has the means to forcibly acquire wealth from its subjects. But giving the people the vote is a more effective strategy because it makes the voter complicit in the state's seizure activities. If we vote, we are by virtue of our vote complicit in the outcome. Even if we voted for another party than the one who takes power, we took part in the process and so are expected to live by the outcome.

So long as we are compelled by the Declaration of Independence to support liberty our democracy will be hell-bent on providing as much liberty to as many people as possible, without spending a lot of time wondering who will pay for it.

Freedom does not come without costs. Sometimes these costs are forced upon us by people who are hell-bent on taking our freedom from us, as happens during war. Sometimes these costs are forced upon us by our own actions, as in when we seek to live free. The cost may be as serious as a war against those who want to protect what they see as theirs.

Some of us want freedom from the impositions of others and others want freedom from the consequences of their actions. What we ought to want is justice. So long as we utilize the narrative of freedom, we will be forced into a discussion of who has access to the most power and who has the right to the superior force.

It cannot be stressed enough that the call for freedom only makes sense in an environment of social justice, that is finding a project that justifies the overturning of justice to pursue a social agenda. If everyone pays their own way and there is no credit and no possibility to externalizing costs onto society and future generations, freedom would not be part of our vocabulary. There is, as has been said, only freedom from the claims of others or freedom to put costs onto others. Ownership as authorship precludes the externalization of costs.

The political right has always had a problem with the left running up unsustainable costs, when these get too high the people vote in a conservative government to get the nations economy back onto a stable and sustainable footing. This requires cutting back social benefits and reducing payouts to special interest groups. This always creates a good dose of opposition and anger, which usually means the conservative party is voted out in favor of a party offering more goodies and more freedom.

Conservatives need to break this cycle of yo-yo politics. Calling for liberty only plays into the hands of the left. We cannot beat them on promises. All the right can do under the present system is clean up some of the mess left by the largesse of the left. After the national accounts have been put into shape the people most effected are upset and ready for a more liberal government. There is no alternative to this back and forth under the present system other than a permanent liberal government. There is no room for a permanent conservative government in a liberal democracy.

Democracy and freedom favor liberalism. The people need justice for only justice can counter the effects of liberalism. Justice is the people, and the people are justice. The only known method of instrumentalizing justice is through the mechanism of a market.

Any injustice is a form of waste. An Exchange is a targeted free market designed to reduce waste and cost in a specific area in a specific way. Housekeepers or homeowners can set up an Exchange or customized free market, with their neighbors to reduce costs and the friction that might come from freeloaders taking advantage of offers of help.

Free markets formalize informal economic relationships. All it takes to set up an Exchange is a few neighbors and a formal system of accounting, and a unit of account used in the bookkeeping. A rate of pay is established, a currency is printed, as neighbor helps neighbor, hours of work are paid for using the currency or work voucher.

A useful tool to bring your neighbors to the point in which an Exchange is possible is to start a Justice Roundtable, a discussion group formed to discuss local issues of justice. Out of this will come an Exchange.

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