

SOCIETY IN CRISIS

The Anarchy in Our Midst

“Man is born free, but he is everywhere in chains.”

— Jean-Jacques Rousseau

- [1] This article adopts a philosophical approach in an attempt to expose how human beings are made to suffer under a heavy burden of oppression when in reality what they actually are, is free.
- [2] People employed in government are there to serve. They are elected, recruited or appointed for that purpose. Service is the sole reason for the existence of their office. They were named Civil Servants to emphasise their role. One can easily deduce, from this name-designation, that the worker is being expected to be civil, and that they must serve. It doesn't get any clearer than that.
- [3] Here in the UK, the Local Government call themselves 'the Local Authority'. Why the use of that terminology was found to be necessary, I don't know. It wouldn't be so bad if they called themselves 'Local Authorities', while still acting like the Civil Servants that they are. My findings, however, are that it's not just the wording: Local Authorities have been acting in a manner that shows that they do not know their place. This practice has led me to suggest that it may be better if Local Authorities were referred to as 'the Local Servants'. This in line with how all the Rights, Privileges, and Responsibilities of parents were all conflated under the term 'Parental Responsibility' in an effort to stress how it is the **Responsibility** aspect of parenting that should take precedence. The 'Local Servants' designation would help stress to Local Authorities that their responsibility to the local community is that of service (not lording).
- [4] Civil Servants are expected to abide by the [7 Principles of Public Office](#),¹ and they are supposed to make all their decisions in accordance with the Principles of Natural Justice.² The [Civil Service Code](#) was prepared in an effort to break down these principles of operation into clear dos-and-don'ts, but at the end of the day all Public Policy considerations are governed by the Principles of Natural Justice.³ The Principles of Natural Justice are used to define fairness, but those principles were derived from observing what human beings **naturally** do when they seek to achieve fairness.

¹ [The Nolan Principles](#) (in outline): Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership.

² These Common Law principles are natural law that should go without saying; **the law of reason**. Reason says that you are a human being before you are an official. These Principles of Natural Justice are stronger than any legal norm, so a law or judgement that contradicts the law of reason is null and void.

³ For a reading on the Common Law Principles of Natural Justice see *Codex Justinianus (534 C.E.)* 3.5.

Other references include:

^{3a} Piotr J. Malysz. “Nemo Judex in Causa Sua as the Basis of Law, Justice, and Justification in Luther's Thought.” *The Harvard Theological Review*, vol. 100, no. 3, 2007, pp. 363–386.

^{3b} Aeschylus, *The Eumenides* 431, 435

^{3c} John M. Kelly, *Audi Alteram Partem* *The American Journal of Jurisprudence*, Volume 9, Issue 1, 1964, Pages 103–110.

- [5] A concept that I feel is important for me to spell out is regarding who it is that Civil Servants are supposed to be serving. In simple terms, we live in a democracy. This means that the power belongs to the People – the common people. The People put Civil Servants in power so that the Civil Servants can serve them (serve the common people) and protect them (protect the common people). Common people sometimes need protection from each other (some natural persons may want to oppress/take advantage of those who in some way are weaker than they), or from organised institutions who have no respect for Human Rights.
- [6] All this to say that the sole reason for the existence of the office of Civil Servants (and Civil Service Organisations) is for to serve and protect. Civil Servants are required to serve all persons indiscriminately, giving due regard to Human Rights and fundamental freedoms.
- For the avoidance of doubt:** Human Rights are to be respected, upheld and protected. Human Rights are not to be breached without just cause. ('Just Cause' being determined in accordance with the Principles of Natural Justice). Human Rights trump all.
- [7] Unlike with natural persons, the operations of Civil Servants and Civil Service Organisations are limited by defined jurisdictions. Every Civil Service role is accompanied by some form of 'Job Specification' that spells out the qualifications (education, training and experience) that a candidate must have in order to occupy that role. The kinds of activities covered by the job-role of the Civil Servant (or Civil Service Organisation) are also clearly defined.⁴
- [8] People are barred from occupying Civil Service positions that they are unqualified for because of the high likelihood that their lack of qualification translates to incompetence (which may manifest as a violation of Human Rights). By the same reasoning, Civil Servants in office are forbidden from engaging themselves in activities that fall outside the remit of their office. These restrictions are put in place in an effort to ensure the fulfilment of the protect-and-serve objective explained in paragraphs [5] and [6] above. It is in the public interest for Public Service tasks to be carried out by people best qualified to perform them.
- [9] When a Civil Servant is judged for having acted outside their remit, therefore, this usually means that they engaged themselves in a task that they were unqualified for, and demonstrated incompetence while they were at it. What we mainly seek, when we define subject-matter jurisdiction, is competence (and it goes without saying that a competent worker respects and upholds Human Right as much and as far as possible).
- [10] The rules and regulations specified in law are not important in and of themselves, they are important to the extent that they align with the institution's overriding objective (protect-and-serve). The overriding objective must always be kept in mind because when the institution (and its laws) becomes more important than the people who the institution is designed to help, we're missing the point.
- [11] Governments have a tendency to make rules-and-regulations that try to codify morality. But here's the thing: Morality is in-built in human beings. Human beings have a law-within-themselves (aka. a conscience). The average human being knows how to distinguish right from wrong **without being told**,

⁴ Civil Servants and Civil Service Organisations need also to be transparent and to subject themselves to scrutiny.

and most human beings can actually do this; most human beings have a conscience. Morality existed long before there ever were any government rules-and-regulations, and when all government rules-and-regulations are removed, morality will remain. Organised institutions, however, due to being inanimate, have no conscience. Law has to be imposed on organised institutions because they are **naturally lawless**. Organised institutions (not natural persons), are the ones that would devolve into chaos and disarray in the absence of some form of rules and regulations (Charters, Articles of Association, Codes of Conduct, Operational Procedures, and the like).

- [12] Procedures must be in place not only to define what needs to be done in the institution's day-to-day operations, but also, what ought **not** to be done, the correction and/or corrective action that needs to be taken when things go wrong, and also the consequences that must be attended to employees who flout its rules.

An organisation's failure to act in accordance with their own procedures is the institutional equivalent of unconscionable behaviour in a human being.

[You will observe that an organisation's failure-to-follow-their-own-procedures is grounds for Judicial Review, and Judicial Review was established for to cover nullities; simple strict-liability-type matters of Administrative Law].

- [13] The natural person is capable of regulating themselves on issues of morality. Given a full and accurate view of the facts that apply to a particular situation they find themselves in, the natural person will instinctively know to do the right thing. The natural person stands in the position of allowed-except-when-explicitly-forbidden-from-doing-so. Institutions do not have that freedom. Institutions cannot *exist* unless they have Articles of Association. The worker in the employ of an organised institution therefore, is contracted and bound to follow the rules and operational procedures of the (naturally amoral) institution whether the human-being-employed-as-a-worker personally agrees with those rules or not.⁵

- [14] As far as assumptions go, human beings are assumed to be moral, while institutions are assumed to be lawless. The rules that apply to the (naturally moral) human being will be very different from those that apply to the (naturally lawless) organised institution.⁶ The natural person and the unnatural person are *complete* opposites, and the Social Contract Theory is built on a perverted premise.⁷

- [15] From a legal point of view, it is **impossible** for an institution to perform a valid act, except as they act within the terms specified in their Articles of Association. An institution's Articles of Association (along with all its other rules and regulations) are drawn up in accordance with the Principles of **Natural** Justice

⁵ The [Civil Service Code](#) defines **integrity** as: putting the obligations of public service above your own personal interests, and **impartiality** as: acting solely according to the merits of the case and serving equally well governments of different political persuasions.

⁶ Observe the terminology: 'organised institutions'. Why the qualifier? ... that adjective there, why is it necessary? Because unless organisation is brought to it, it cannot be assumed that an institution is organised!

⁷ The Social Contract Theory assumes that man in his natural state was unhappy and insecure, unprotected and lawless.

to enable the unnatural institution to interact with the **natural** human being; we need to all speak the same 'natural' language. It would be dangerous if (naturally amoral) institutions were accorded a status similar to that held by human beings (whose nature is actually opposite to theirs). It is imperative therefore, that the Civil Servant stands in the position of **disallowed-except-when-explicitly-allowed-to-do-so** in the Organisation's Articles of Association and in its operational procedures.

[16] It cannot be denied that there is a level of depravity and perversion that exists in the human species; there are some human beings that just, for some reason or other, have no conscience! Depraved individuals will engage themselves in grossly unethical behaviours and come out of the whole thing without a pang of guilt. Thankfully, such people constitute a very small minority of the human population. The realistic and reasonable assumption therefore, is to consider human-beings-accused-of-immorality innocent unless proven guilty, and institutions facing similar accusations to be guilty until proven innocent.⁸

[17] I will highlight how that there can be no servant without a master, and the servant is not above his master. Paragraph [5] above has already explained who it is that Civil Servants are there to serve: Members of the public. While the jurisdiction of Civil Servants is limited (because they are servants), the jurisdiction of the servant's *Master* — see (imperfect) analogy in the illustration below — will be broader, and does not suffer from the same limitations as that of the servant. The ordinary citizen may do all of the following (and more): They may service the Gas Boiler in their own house, may conduct a citizen's arrest, may conduct a criminal investigation, may conduct a private prosecution, and may change their own car tyre.

[18] An Illustration

Compare a Bus Driver to a natural person (ordinary citizen) driving a private vehicle. The Bus Driver not only has his route mapped out for him, he can only stop at certain places (known as 'bus stops'), and he is bound to follow a timetable.⁹ The Bus Driver cannot just decide to change the destination of the bus, or change the route (except in the event of some extenuating circumstances, e.g. roadworks). If running ahead of schedule, the Bus Driver finds himself sometimes stopping at a bus stop where no passengers are embarking/disembarking (timing point) in order to align himself with the timetable — since there is no way of knowing if any customers/potential customers will be disadvantaged/miserved by his not adhering to the timetable. The Service Contract says that the bus shall run according to a particular

⁸ If you look closely, you will find that the law already does this: 'Human beings are innocent until proven guilty' is an established tenet of justice, and it is known that having-procedures-in-place can be a valid defence for institutions accused of wrong. My understanding is that the Justice system considers it a mitigating factor (and sometimes a valid defence), if the institution can prove that it had **procedures in place** to prevent the occurrence that has resulted in the cause-for-complaint that has culminated in court action. Disregarding the procedures (especially in the face of warnings) will of course serve as an aggravating factor (and may even cancel out the fact that the procedures even exist, on the grounds of if-you-are-going-to-disregard-the-procedures-in-such-a-blatant-manner-the-procedures-might-as-well-not-exist!) But if the procedures were followed in good faith and things went wrong nonetheless, the institution will likely get off the hook.

⁹ There are other rules and regulations besides.

timetable, therefore timing points are necessary.

None of these restrictions apply to the ordinary citizen going about his private business. He may, for example, set off from his home planning to fuel his car at the nearest filling station before proceeding to Waitrose to do his shopping there; but he is free to change his mind soon after pulling off, and decide to abandon the original plan and head for Morrisons and do his shopping there (because it will enable him to both shop and fuel at the same place). At the end of the day the car is fuelled and the shopping is done (all to the citizen's satisfaction); and that's what matters.

As many as the freedoms that the ordinary citizen has are, both he and the Bus Driver are bound to follow the Rules of the Road; for example, neither is allowed to go anticlockwise at a roundabout. Please note though, that the human being is never bound by the rules. The rules bind the ordinary citizen only due to the fact that he has **voluntarily chosen to join an institution**; the institution of motorists. On a quiet road where there is no traffic, the human being who is a pedestrian **is free** to go anticlockwise at a roundabout if he wishes — his instinct is sure to keep him safe from harm. Due to being a member of the institution of motorists, the human being who is driving his private vehicle is forbidden from anticlockwise travel even if there is no other traffic on the road.

Here's another example: If there are no cars coming, a pedestrian may cross the road against a red pedestrian light at a Pelican crossing. A motorist doesn't have the same **freedom**. The terms on which the institution gave him his driving license require a motorist driving a private vehicle to stop at a red light and wait for it to turn green even if there are no other cars on the road. The rules bind the human being only because he has chosen to join the institution.

It is not easy, but care must always be taken to separate the human being from the institution. Institutions need rules and are governed by rules, while human beings are **free**.

In the UK, the Rules of the Road say that we should drive on the left. This is a convention that was **instituted** in this country — other countries do the opposite and their road systems work just fine. The basic human instinct ('natural justice' in this case) does not, however, vary from country-to-country; a human being is a human being.

[19] The philosophical approach to explaining the nature and relationship between citizens and governing bodies was employed to set the stage so that issues in current affairs can be looked at in the right light. The section above was an attempt to explain from first principles, why procedural propriety is such an important consideration in Constitutional Law, and why acting out of jurisdiction results in an absolute nullity.

[20] It is not within the jurisdiction of any Public Body (e.g. Police/Local Authorities/Courts) to subjugate citizens to Civil Servants/Civil Service Organisations (or whatever other more-powerful party may be preying on the weaker), but rather the opposite: Their positive duty is **to protect** vulnerable citizens from persons who would act outside their remit.

- [21] The independence and neutrality of the courts is fundamental to the administration of justice. When a dispute gets taken to Court, it is of vital importance that the Court remains independent and impartial. The Court serves simply as an adjudicator. The responsibility for enforcing any decision pronounced by the Court is not borne by the Court, but by the winning Party. In the case of criminal trials, the government (the Executive) will be taking the accused citizen to Court (before the arm of government that is the Judiciary, to sometimes include a jury as well) for a determination of whether or not the accused is guilty of committing a crime. All the Court does is pass judgement, the enforcement of said judgement rests on the Executive.
- [22] Please note that ‘independence’ is not a judicial prerogative. Every professional Code of Conduct requires the professional to act independently. The professional is given a clearly defined remit of operations, and they are required to act independently within those confines. While ‘autonomous’, the institution of the judiciary also has confines. They too, (as we all are), are bound to follow the law of reason — see paragraph [4]. A ‘Court Order’ cannot be enforced contrary to reason.
- [23] Each party that would be invited to join in the chain-of-enforcement of a judicial decision is an independent person/institution. Said entity is also bound (by their ‘conscience’ — their own Operational Procedures), to consider the facts before them in line with the Principles of Natural Justice.¹⁰ Should it happen that the original Judicial decision (be it civil or criminal) had somehow failed to deliver justice, the Order is thus unenforceable. That is the safeguard provided by separation-of-powers. It’s a circle. Each power (Executive, Legislature, Judiciary), checks on the other; the powers regulate themselves, and the rights of the citizen are protected.
- [24] The value that the winning Party takes from the Court process is the judicial reasoning, which, by expectation, will be convincing enough to earn the respect of all to whom the judgement is reported. Because the Court is there to serve and protect, the weight carried by the word ‘judicial’ lies not in the adjective form of the word, but in its adverbial form. Even the losing Party (though they may never confess it) will see the justice in a judicial decision.
- [25] It is important though, that a party be heard first, before they are judged.
- [26] *Audi alteram partem* - One shall not be condemned of anything without being heard.

In simple terms, before a judgement is issued against any person, a reasonable opportunity of being heard must be given to them.

Because justice cannot be delivered if parties are not properly heard, the Court practically has **no jurisdiction** over the party that they refuse to hear. The right to be heard is an inalienable right. *Audi*

¹⁰ The Court Order does not bind third parties. It binds parties that are before the Court — and those, only because **they have agreed** to be bound by the Order... which therefore means that the Court Order is not really an Order. We may need to rebrand Court Orders — see paragraph [3] — How does ‘Judicial Opinion Documents’ sound?

alteram partem is a fundamental tenet of the administration of justice; and justice must not only be done, it must *be seen* to be done.

The Court's duty to hear parties cannot be dispensed with, as this would be in breach of the Court's 'Articles of Association'.

The Defendant/Respondent has the right to know the case which is to be made against them, they have the right to examine and trace the evidence that is filed against them, and they have the right to defend themselves.

- [27] All human beings have the right to be treated in a manner that is fair and just. Giving the accused person a hearing is not done to them as a favour, it is a necessity. Justice cannot be delivered otherwise. A Court that is unwilling to hear a party has no jurisdiction over the party they refuse to hear.
- [28] The Court that delivers judgement while ignoring a party's submissions does itself no favours because when the truth of the matter eventually comes out (as it inevitably will), the Court will lose respect. Void Orders are oppressive and misserve parties. They blight lives. This subject is spoken of at length in the [Doctrine of Nullity](#) document.
- [29] Parties 'assist the Court' by bringing facts and arguments before the Court, and the Court hands down a judgement that assists the disputing parties to resolve their dispute.
- [30] As you can see, the Court itself is a Public Service Organisation; it is assisting parties by providing independent and impartial adjudication of matters.
- [31] Natural persons are considered innocent-until-proven-guilty, while Public Institutions are assumed as having no conscience until they prove (by the letter of, and by the practice of, their Operational Procedures), that they do have one. That is the starting point.
- [32] Human beings are burdened with a whole lot of unnecessary rules that they have to abide by on threat of punishment. The sell is that if we fail to abide by 'the rules', disorganisation and chaos will result. The truth though, is that disorganisation and chaos are already prevailing due to public institutions failing to abide by their own procedures. Bureaucracy is being used as a tool of tyranny in the hands of authorities.
- [33] Human beings are routinely convicted of victimless crimes simply because they failed to abide by 'the rules'. The 'organised' institutions (which are the ones that needed the rules in the first place) deliberately flout those rules, and when taken to (Administrative) Court, they get let off the hook by some excuse or other (as if an organisation's failure to abide by their own rules is a small matter).
- [34] You will find the institution of Court (whose role is that of assisting citizens in taking Public Bodies to account over their operational decisions) deliberately flouting the rules of Court, with noone taking *them* to account for it.

- [35] Organised institutions of government break the rules, and human beings are made to pay for it.
- [36] As things stand, the Human Rights Act, 1998 is set to be done away with. One reason for this (I hear) is *because Judges have been overreaching and misapplying Human Rights*. I would not dispute that some clear misapplication of Human Rights by Judges has made it to the news, but why should the general public be made to suffer for Judge misbehaviour? Isn't Dicey's Rule of Law about everyone being held accountable for their *own* actions? (action or inaction).
- [37] According to section 108 of the Constitutional Reform Act, 2005, the Lord Chief Justice¹¹ may suspend such a Judge from office while they are investigated. As per my understanding, the available offences that the Judge may be investigated for are the Common Law offences of *Misconduct in Public Office* and *Pervverting the Course of Justice*. The statutory offences of Fraud (s.1 of the Fraud Act, 2006) and Bribery (s.1 and s.2 of the Bribery Act, 2010)¹² may also apply.
- [38] If, in an unprovoked and unjustified attack, a supermarket employee murders-in-cold-blood, one of the customers who enters the store that they are working in; it is right that the procedures of the supermarket will suspend them, investigate them (and hopefully fire them eventually). It is above all necessary that the POLICE be called in, and quickly, so that a **criminal** investigation takes place. It can hardly be said that because their employer has investigated them and sanctioned them, that there is no need to bring criminal allegations against them, can it?
- [39] There is no way that a Judge can *abuse* and *overreach* and *misapply* Human Rights by accident.¹³ Abuse, by definition, is done deliberately. IF they are a qualified Judge, THEN they understand Human Rights... Come on, this is **Human Rights** that we are talking about, the Courts and the Justice System were established to defend and protect Human Rights! It's all there in their 'Articles of Association'; no Human Rights, no Court.
- [40] Human Rights are inherent to human beings. Where there are human beings, there are Human Rights. The logic that says: 'Judges have been abusing Human Rights therefore we need to do away with Human Rights,' is perverted. It is not a call for the doing-away-with of Human Rights that we need, but a call for the resignation of the Lord Chief Justice!
- [41] If indications are that a significantly high number of Judges have been 'overreaching' and 'misapplying' Human Rights, a serious investigation is in order. If one is a qualified Judge, they understand Human Rights, and they understand the [Doctrine of Nullity](#). If said Judge is unqualified, they shouldn't be in office... How did they get appointed in the first place? Most importantly, why are the respective Judges **still** in office?

¹¹ According to Schedule 14 of the Constitutional Reform Act, all these Judges are carrying out the duties of their office by way of delegation by the Lord Chief Justice.

¹² The Judge is still in office, and they are receiving remuneration while doing their job improperly. That 'salary' works out to be a bribe because if really the Judge is doing a bad job, why are they being kept in office, and why are they still being paid?

¹³ Think: "I accidentally let the air out of all four tyres of your car while you were sleeping". No accident there!

If the words of General Sir Walter Walker (1912-2001) are recalled, what we are faced with is a planned military action (war against citizens) that has now come to fruition:

“Britain has invented a new missile. It’s called the civil servant — it doesn’t work and it can’t be fired.”

— General Sir Walter Walker

[42] IF, the number of Judges ‘overreaching’ and ‘misapplying’ Human Rights is so high, where are the statistics showing the criminal investigations and criminal convictions that have been applied in response to this Judge misbehaviour? The reason why Human Rights are being abused is because the procedural consequences that should follow judicial misconduct are not being visited upon the responsible persons. If one happens to be of such a mind as to wish to abuse their public office for their own benefit (despite knowing that such abuse will most certainly disenfranchise others), and they know they can get away with it however many times they do it,¹⁴ what incentive do they have to consider changing their behaviour?

[43] Rule of Law means that everyone who engages themselves in criminal behaviour must be tried as a criminal. The Procedures are there — you abuse your Judicial Office, you get suspended (see s. 108 of the Constitutional Reform Act, 2005), and you get investigated and tried as every other public official accused of abusing their office would. Misapplying Human Rights deliberately is a tyrannical attempt to rob citizens of their rights, *Human Rights*. If such sabotage **isn’t** criminal behaviour, nothing is!

[44] An aside here: Regarding the subject of Suspension from Office

There is some explanation needed regarding how it is that an ‘ordinary citizen’ who stands accused of a serious crime is presumed to be innocent until proven guilty, while the same accused human being, if they are serving as employee of a Public Institution, **immediately** gets suspended from office (even though the allegations may later prove to be false).

My view is something like this: According to certain institutions’ Policies, they cannot have a criminal in their employ. For as long as they were totally unaware that their employee was a criminal, the institution is blameless. But from the moment they become aware that he *might be* guilty of criminal behaviour that would disqualify them from office, (seeing as the criminal acts would already have taken place), the institution risks being in breach of their Articles of Association. Once they are aware of the possibility they are duty-bound to investigate; they cannot ignore it.

Here’s my thinking: Once the allegation has been made, there is a strong possibility that the allegations may be true (and the institution is guilty of violating its Articles of Association). The institution therefore

¹⁴ Judges who manage a case in a manner that “no reasonable Judge could ever do”, are excused as having been affected by “the stress of litigation”... Where is the Judges’ stress coming from please? Would a Bus Driver who drove anticlockwise at a roundabout **just the once**, even *think* of using the “it was due to the stress of driving” excuse? A Judge who is stressed by litigation needs to find themselves a less stressful job!

want to dissociate themselves from the alleged behaviour as far and as soon as possible while the requisite investigations are conducted as a show that they do not condone it.

But because the accused worker is a human being (and has Human Rights), the institution needs to do justice to them as an employee. If they would dismiss the worker from employment, they have to go about it justly. The human being cannot be dismissed from employment until their guilt is proved. But the institution is guilty (of employing a criminal), from the moment that the worker committed the crime. We are coming from two different ends of the spectrum.

Organisations often try to walk the line by putting the accused on paid leave until the investigation and trial process is completed. And should the organisation decide that despite that the worker's innocence is proven in the end, they want to get rid of them due to the bad publicity (aka. 'reputational damage'); the organisation owes the worker compensation for 'unjust dismissal', because indeed laying them off from employment under those circumstances would be unjust.

- [45] By the way, this failure to take Civil Servants who abuse their office to task isn't just limited to Judicial Office holders, it extends to a good number of professional occupations as well; the Police included. Citizens who have had their rights violated by Civil Servants should have been able to get relief and recourse through the Courts, but if the Courts are failing to hold their own officers to account, what do you expect?
- [46] It is said that the institution of Court has a zero tolerance for lies and misrepresentations, but what happens in practice is far from this ideal and this has produced a justice system that consistently fails to meet its published objectives, and violates our rights.
- [47] It's there, on paper, and it ends there. The route to access justice is defined in the 'Articles of Association', but barred in practice. In short, the institution entrusted with administering our Justice System is lawless and has no conscience. We are, right at this moment, in a state of anarchy.
- [48] I write this next section for those who would despair over how that it looks like our Human Rights and fundamental freedoms are done for.
- [49] We have Human Rights because we are human beings. The law doesn't give us these rights. We already have Human Rights (due to being humans), and those rights are inalienable. All the law does is try to codify them. But once the Human Rights are codified, there now is room for malefactors to subvert the codified rights.
- [50] You may have heard of what is known as a 'Judicial Declaration'. Judges don't make the law/prescribe the law, they simply declare it. This means that the law exists even if it is not declared, and the law exists even when the Judge is not there. The law exists within us as human beings; it's in-built. Unless there is something wrong with you as a human being (maybe you were, by some error, 'manufactured' without a

conscience),¹⁵ given all the relevant facts, you have within you the ability to determine right from wrong. The truth has a certain 'ring' to it that human beings can detect. This means that when a judicial judgement is pronounced by judicial declaration, the justice of it will resonate with the ordinary citizen's idea of justice.

- [51] The law is codified: It is codified by human beings acting in Parliament and it is codified by Judicial office holders making judicial declarations. Just as the code is not the message, the codification is not the law. The fact that it says so on paper does not mean that that's what the law itself actually says. At best, statutes and case law are imperfect images of the law. What has been happening (with most of us unaware) is that perverted individuals/organisations have been going in there and deliberately introducing corruption into the coded law. The populace is largely ignorant regarding the law, and those who would take advantage of our ignorance and oppress us, have gotten themselves into positions of power and done exactly that.
- [52] The creators of our justice system had attempted to guard against corruption by making it such that a verdict of innocence/guilt can only be decided by a group of the accused's peers who get presented with true and accurate facts of the case and are asked to judge if the accused is guilty of immoral behaviour or not. That process is however being sabotaged by, for example:
- Disallowing evidence that, by rights, should have been allowed, (and vice versa).
 - Incorrect jury instructions that misdirect the jury and sometimes confine them to pass judgement based only on 'the letter of the law' (yes, that same codified law that already is corrupted) with no consideration being given to 'the spirit of the law'.
- [53] All of us will have received some degree of indoctrination¹⁶ which would have affected our thinking and disoriented us. Familiarising ourselves with the Principles of Natural Justice (which were an early attempt to codify the law of reason — i.e. how human beings **naturally** arrive at a decision that they deem to be fair and just) will help us get started in our journey towards right thinking. The important thing to note is that this is something that we should be able to do **naturally**, and I think that in the end, when we have managed to see through and rid ourselves of the indoctrination, we will be able to get to a position where we can trust our instincts. One doesn't know-how-to-judge-in-a-fair-and-just-manner because they read a book (... or two, ... or five, ... or five hundred), they know-how-to-judge-in-a-fair-and-just-manner because they are a human being. That's all.¹⁷

¹⁵ The randomness and frequency of this 'manufacturing error' is rather like how some people are born with physical disabilities. Please note that I am **not** saying that physical disability and lacking a conscience are correlated.

¹⁶ The schooling system is one example of indoctrination, as is explained by John Taylor Gatto in his book [Dumbing Us Down](#) Paperback ISBN: 086571231X or 9780865712317. The [first essay](#) in that book is particularly insightful.

¹⁷ There will be a tiny fraction among us who (sadly) do not have this ability. They simply have no conscience. They exist, but they are not many. The people in this group most certainly can get along with the rest for as long as they own up to their status. As we do for those among us who have visible disabilities, we human beings are capable of understanding and accommodating one another.

“The law was made for one thing alone, for the exploitation of those who don’t understand it, or are prevented by naked misery from obeying it.” — Bertolt Brecht

- [54] Just as it is not possible for one to express their thoughts and feelings accurately every time they mean to, it is not possible to accurately codify the law every time we mean to. We are in a bad situation right now because, besides normal human error, we also have to deal with the deliberate corruption that has been introduced to our system of law (into the statutes, into Case Law, into Court Procedures, into executive function, etc). It’s not easy to work through all that fluff, but it is possible.
- [55] It is crucial that we understand the danger that lies in the ‘primacy of statute’ rhetoric. I explained in paragraph [51] above how that the codification is not the law: We have to understand and appreciate that the statute, even at its best and purest, can never be 100% correct. Case Law also, even at its best and at its oldest, can also never be 100% pure. Sometimes Case Law has it right but the statute doesn’t. Statute is not foolproof, Case Law is not foolproof, *nothing* is foolproof. A position isn’t right simply because it is aligned with the statute, and a position isn’t right simply because there is some Case Law that supports it; a position is right when it **rings true**. That is what is meant when public officials talk of ‘public opinion’ (what should be meant, anyway).¹⁸
- [56] We are all human beings, and the justice instinct is common to all of us. Like breathing, it’s not something we have to think about — we just have it. The public opinion will be the true one... except that our instincts have been tampered with. Misinformation and indoctrination foul our instincts. The greater the amount of indoctrination messages we have incorporated into our thinking, the longer it will take us to get to a point where we can trust our instincts to judge accurately. One thing for sure, though, is that if we work at it diligently we will get to where we need to be.
- [57] Follow the logic below and tell me that it isn’t indicative that something is very wrong:

Premise 1: Justice is natural.

Premise 2: All human beings (barring a few exceptions) have the justice instinct in-built (aka. a conscience).

Conclusion: Disputing human beings need to go to (and often do so of their own volition) an institution that is naturally lawless (to Court) to have justice imposed on them; they would not be able to manage otherwise.

Further Observation: The Court System is overloaded and is constantly busy.

¹⁸ A clear indicator that a law and/or its implementation is wrong, is if it results in public outcry.

[58] Can you get the sense in what is described in the above textbox? I think the natural question to ask here is: How *on earth* have the Courts managed to get themselves such a roaring business? And you will be on the right track. The enlightenment is not in the answer, but in the question.

[59] We should have been able to manage by ourselves, why are we failing to do so? Who or what has perverted our nature, and how?

I will take you back to paragraph [13] for what I think is the answer.

Paragraph [13] reads (emphasis added):

*Given a full and accurate view of **the facts** that apply to a particular situation they find themselves in, the natural person will instinctively know to do the right thing.*

Barring a few, we all have the instinct; what we don't have is...?

[60] Truth is the pillar of justice. Imperfect (and corrupted) as our system for codifying law and administering justice is (I speak of the system as it is on paper), it would still have worked **if it was faithfully administered**. The system is designed with checks and balances that would enable it to correct itself when things go wrong, but it is being undermined by a lack of integrity. A civil servant from some arm of government or other is standing by to (actively or passively) sabotage the correction process, thereby perverting the course of justice. Behind the scenes the three arms of government — Executive, Legislature, and Judiciary — are collaborating to service an agenda that conflicts with the natural law. The powers that be have subtly embedded a 'soft' violence in our social structures — economic, political, legal, religious, and cultural — and the suffering public is left unable to make out a clearly identifiable perpetrator.¹⁹

“No oppression is so heavy or lasting as that which is inflicted by the perversion and exorbitance of legal authority.”
— Joseph Addison

[61] We are suffering because of a lack of integrity. Our individual and collective attitude towards truth **in practice**, is working against us. Every professional Code of Conduct that I have read requires the professional to be truthful and honest, and that they act with integrity. (They are also required to be transparent and to subject themselves to scrutiny). Professionals do not follow-up on all these promises in practice, however. We see them at it, but we let them get away with it. Why? Why is the topic of truth-telling not seen as incumbent in Public Administration?

¹⁹ For further reading on the subject of structural violence, I would recommend Johan Galtung's 1969 paper entitled "Violence, Peace and Peace Studies". Journal of Peace Research 1969 6: 3, 167-191.

[62] I think our laxity derives, in part, from the fact that we do the same in our personal interactions. What we tend to do is that we view the occasional 'misrepresentation' that we make as human beings to be immaterial, and sometimes even needful. We however fail to realise how that the fact that institutions are larger and more powerful than individual human beings makes *their* false representations many times magnified, and the negative effects of them very serious. We forget also that institutions have a nature that is **opposite** to that of human beings.²⁰ For as long as we continue with the attitude of viewing the giving of excuses and the telling of white lies as a necessary part of daily intercourse, we will fail to hone in on our natural justice instinct; we will continue to dispute over non-issues, and we will continue to be sucked into believing that empowering our oppressors is what will solve our problems.

[63] We don't need corrupt institutions to 'lay down the law' for us because the law resides in us as human beings. **We** are the guardians of the public interest. By the grace of God; respect for each other's rights, (in the brotherhood of our common humanity), will serve to protect our individual and collective interests. If we were to all espouse the truth and insist that our public officials do the same, we will achieve great things.

[64]

It matters not who occupies the seat of public office;
what matters is the openness, transparency and *effectiveness* of the public scrutiny effort.

[65] If I ask you, the reader, to from now on always be truthful, honest, and act with integrity, have I asked for too much?

[66] Complete Truth is what we need. For as long as lies and misrepresentation are treated as a trivial and immaterial, whatever changes we make to the system will amount to nothing. For as long as we accept and tolerate misrepresentation, whatever system we setup will be corrupted by fraud. Truth is a salient feature in Public Administration. The grassroots solution that I propose is so simple... and yet so hard.

[67] If you haven't read it, I would recommend reading the book 'Why We Lie', by Dorothy Rowe. My copy is a 364-page hardback that was published in 2010 by Fourth Estate. ISBN: 978-0-00-727885-5.

[68] So, are our Human Rights done for? No, where there are human beings, there are Human Rights. I will use the example of languages. You can use the French language to describe how to boil an egg, you can use the German language to do the same, you can use English... you can use *any* language. The actual activity being described (how to boil an egg) is the same, you just are using a different language to describe it each time. The Human Rights we had while we were subscribed to the ECHR (and from even *before* the EU ever came into existence) we still have after we leave. Why? Because we were human beings while the UK was member of the EU, and we still are human beings after the UK has left the EU. We will just be using a different language to describe our rights, that's all.

²⁰ Procedural impropriety by an institution is the equivalent of unconscionable behaviour in a human being, see [12].

- [69] The situation is similar to that of the 'warranties' and 'extended warranties' that we get when we purchase electrical goods. Those 'warranties' do not give us anything that we do not already have under the Sale of Goods Act, 1979. All that those warranties do is give the impression that once the warranty period is over, we have **no more rights**, when in actual fact, our rights remain unchanged. All this to say that the Human Rights Act, 1998 was not giving us any rights that we did not already have.
- [70] So do human beings need rules? No. Human beings need truth. Give them a full knowledge of the truth, then allow them to apply their natural instinct — natural justice; the Law of Reason. *Institutions* are the ones that need rules in order to be organised. When we allow the (naturally lawless) institutions to get away with deliberately flouting their own rules, what is this but anarchy?
- [71] Let's prove General Walker wrong: Ready... Aim...