

Freedom Matters

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Dane County, Wisconsin

Preserving Property Rights

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Our republic limits government to securing individual unalienable rights to life, liberty, and property. These rights are eroded by legislatures, and by courts complicit with them. To encourage wise jurists and journalists to help, *Freedom Matters* dedicates itself to the fight to restore that republic.

Life Is Not Fair Nor Can Law Make It So

by Bob Bowman

When the Declaration of Independence was adopted by the Second Continental Congress, July 4, 1776, the delegates crafting that landmark document were not confused in their declaration "*that all men are created equal.*" They knew that people varied greatly in physical and mental capacities. Rather, they were declaring the equality of men before the law, at the bar of justice, for which they went on to say about all men "*that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—*"

How wise it was, in declaring the Independence of the 13 English colonies, that the founders based it on the Independence of **each individual human being**. It is that Declaration of the Independence of the Individual, and the bringing about of it, for which this Declaration truly takes its place among the greatest documents of our human civilization.

Life and Liberty. That's a priceless pair, and Liberty carries with it the right to Property, for there is no Liberty without the right to Property. The heart of that truism is why collectivism always and inevitably fails, in the broad secular world. Collectivism has worked only in some small, exclusive, faith-driven social groups.

Life, Liberty and Property! John Locke's philosophy. So the writers of our Declaration of Independence knew. So they knew that the right to Liberty meant the right to Property. Therefore, the Second Continental Congress could let Liberty mean both Liberty and Property, to make way for another concept, a most felicitous one, "*the Pursuit of Happiness.*" Whether intended or not, that concept constitutes a bridge between Life, which is not fair, and a Law which is meant to be. Government cannot undo Life's unfairness, but it can administer a law that treats us each fairly, and hence equally, as we each pursue our happiness.

The trouble is, government can also, and even more easily, administer a law that treats us each **unequally**. So we create injustices, or propagate them. Yet, some people are willing to create injustices — inequalities before the law — believing that to be the way to achieve equalities that they see as more desirable.

Equality! That too is an historic rallying cry in politics. If Liberty is the rallying cry for free Americans, Equality is the rallying cry for those in collectivist movements. But, it is Equality on different measures than equality in the sense of having the same civil rights and protection as everyone else. To collectivists, Equality most often means economic equality. Such collectivists pursue the goal that everyone should have equal amounts of the world's resources.

The problem is, people don't work that way, in both the figurative and literal senses. Inevitably, some people produce goods, other people don't. To give non-productive people an "equal" quantity of the resources, one must hence take from those who produce to give to those who do not produce. If done by government, it is of course done by Law, because Law is what governments call the rules they create to govern their actions. Thus, it is by Law that a collectivist government takes from producers to give to non-producers. This type of government action is called by the sanitized name of "income redistribution." It is meant to sound benign.

At that point, the Law is treating people unequally. In a real sense, the Law has "criminalized" the act of producing. The solution for producers is straightforward: if you don't want to be "fined" for producing, don't commit the "crime" of producing. Thus, producers stop producing. That's the way Law is supposed to work, and in this case, history says that it does so. Of course, when producers stop producing, there is no more income to redistribute, and income redistribution fails. Lo and behold, there are no more goods being created in that society. It falls into economic collapse.

But, the critic says, you have described the extreme. People don't really **stop** producing. They just produce **less**. At that point, the critic has missed the point. Long before a collectivist system can redistribute enough to achieve economic equality, the system has failed by producing **so much less** that there is too little wealth, i.e., too few goods, even to maintain people at the poverty level. Over and over in history, that fate is what has happened to societies which pursue income redistribution as the road to economic "equality." Collectivism, as the economist Hayek famously pointed out in the early 1940s, is the *Road to Serfdom*, the road to poverty **and** loss of Liberty (see FM, v.2, #28). Strange as it may be, human poverty is what some collectivists actually pursue, out of a twisted logic. Conversely, see FM, v. 2, #29, to see economist Simon's 12 principles of Liberty.

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