

The Essential-Liberalism Manifesto

A Nonpartisan Document
Outlining the Foundational Principles of Liberal Democracy

Version 1.0

(you can verify this version is the most recent one by visiting
<http://www.essential-liberalism.org>, where you can also participate
in the [Discussion Forums](#))

by

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INTRODUCTION

The term Essential Liberalism represents the central tenets shared by most mainstream political ideologies in societies that are based on the ideals of democracy and individual liberties. These tenets have evolved over many centuries, and have come to represent the settled wisdom of how people can best live together and govern themselves as free, open, peaceful, and thriving societies. More so than any other political ideology in human history, Essential Liberalism is held to conform best to human nature, and to allow the greatest number of individuals to pursue the realization of their highest aspirations and to flourish. Essential Liberalism provides the proper political, legal, social, and economic framework for creating an environment where such human endeavor can take place. It is the shared belief of those espousing Essential Liberalism that these tenets are ultimately universally applicable, though their particular implementation may vary from one society to another.

Because alternatives to Essential Liberalism have proven less effective in producing desirable outcomes, and have oftentimes produced highly unfavorable outcomes, societies that do not largely embrace the tenets of Essential Liberalism are considered by those who do to be in need of further development.

This document, *The Essential-Liberalism Manifesto*, serves three primary functions: (1) to present the shared ideological tenets most members of liberal democratic societies unite around and hold to be vital and worthy of protection; (2) to provide sufficient scope for the unique implementation of these tenets in different societies; and (3) to highlight what remains to be achieved in societies that lack in them.

I. UNDERLYING PRINCIPLES

1. Rights by mere birth: All human beings are born free with inherent and equal worth and dignity, and are in possession

of fundamental rights to life, liberty, property, and the pursuit of happiness, as well as the right to defend these rights, to due process, and to equal protection of the laws.

2. Legitimacy of a limited government: To secure these fundamental rights, a government is established which derives its legitimacy and limited powers from the consent of the governed.

3. Government powers and functions characterized by the principles of “separation of powers” and “checks and balances”: The structure of government is based on a substantial *separation of powers* between the executive, legislative, and judicial branches. Each branch is to *check and balance* the other branches’ powers. These two principles help ensure that power does not become centralized in any individual or group of individuals within government, and makes government officials and agencies more readily accountable for their conduct.

4. Civilian control of the armed forces: The armed forces, the police, and related agencies are, at all times, under the civilian control of the executive branch and are subject to oversight by the three branches of government.

5. Representative government: Each citizen has the right to influence, directly or through representatives, who will serve in the executive, legislative, and judicial branches of government.

6. Regular elections and orderly transfer of power: The expressed will of the people being the government’s basis of authority, periodic, free, and secret elections subject to the possibility of outside verification serve to determine the will of the people. This voting right is granted to all adult citizens, and each citizen’s vote counts as one vote.

When new government officials are elected (by majority vote) for terms that do not exceed 8 years for members of the legislative and executive branches of government, a peaceful and orderly transfer of power takes place according to the mandates of the law.

If elected or appointed officials cease to represent the wishes of the citizens or have committed a crime of sufficient seriousness, a legal procedure can be instituted seeking to recall

or otherwise remove such officials from office before their term expires.

7. Right to take part in governance: Every adult citizen has the right to run for public office and to seek appointment for public office. Multiple political parties are allowed to solicit votes and, so long as they receive a minimally-defined percentage of the total votes cast in a given election, to serve in government. There is an included right of every citizen or party to influence the legislative and executive branches directly or through lobby groups, with financial or other contributions, by campaigning, by using the media, and through any other lawful means.

8. Local government rights: Local governments are to exercise the governmental powers vested in them by the local community in order to express the local community's wishes on matters which are of greater concern to them than to the entire citizenry. This allows for decentralization of responsibilities from the national level and for decision-making to be in the hands of those most concerned with the outcome of such decisions. This also allows communities of differing values to live in their local public sphere in accordance with their own expressed values and priorities. The emergence of local communities that govern themselves differently from other communities, and pass laws different from those found in other communities, creates an environment in which local communities can learn from the successes and failures in governance and policy of other communities, and adjust their own accordingly.

The powers of local governments cannot involve the rights and duties granted exclusively to the national government, or be fundamentally contravening of the fundamental rights held by all citizens.

9. Rights not specifically granted: All other rights and powers not expressly and specifically granted by law to the national or local governments are in the hands of the citizens.

10. Government officials as public servants: Government officials are to act in furtherance of the interests of the citizens they represent and the common good of the public; are to uphold the rule of law; and are themselves to be subject to the rule of law. They are to take an oath of office to this effect. They are to act with a high degree of competence, transparency,

and accountability, thereby strengthening the confidence citizens have in their government and its officials. They are not to take undue personal gain from their positions of power. Specifically, they are not to compromise the integrity of their voting power for bribes of money or other personal benefits, and are to avoid nepotism. Corruption by and of government officials is to be regarded as a serious criminal offense, and considerable resources are to be dedicated to ensuring the eradication of such corruption.

In all matters not relating to national security, information gathered by public officials in the commission of their duties that is of general public concern is to be made accessible to the public.

11. Rule of law and clear legal expectations: Each and every person in society is duty-bound to respect the fundamental rights to life, liberty, property, and the pursuit of happiness of all their fellow members of society, and to abide by the rule of law. What is impermissible or obligated in society can be known by all members through having easy access to the constitution (which, in some essential-liberalist societies, embodies these fundamental rights and which requires a super-majority vote to amend); to the full body of written laws and judicial opinions; and to contracts of which one is party. Citizens are free to act or refrain from acting without risk of government sanction so long as their conduct does not constitute a failure to meet their legal responsibility, a responsibility that must be written in law (in the official or otherwise legally mandated language or languages) with sufficient specificity and clarity so as to be comprehensible. A member of society can therefore never be subjected to the personal whims and arbitrary treatment of anyone in a position of government authority. One's ignorance of the law, however, is not a valid excuse for failing to meet one's stated legal obligations.

II. RIGHT TO LIFE

1. Right to maintain and end one's life: Every person is free to maintain his or her own life as well as to end it, so long as the termination of one's life does not involve the assistance of another. Every adult also has the right to have his or her

expressed wishes granted not to be kept artificially alive in the event of becoming terminally ill.

2. Taking of human life permitted only in very narrowly defined circumstances: No person's life may be taken by another except in order to stop a reasonably perceived threat of imminent death or grave bodily harm from being inflicted by such person on an innocent person. The state may take the life of a person to prevent the imminent infliction by such person of grave bodily harm or death on an innocent person and when lesser means are not reasonably available to prevent the person from doing so; or, in principle, in the case of individuals over the age of 18 at the time of commission and not currently pregnant—as punishment for committing murder with specified “aggravating factors”; for intentionally causing widespread mayhem; or for high treason.

3. Right to life of a fetus: An unborn human fetus of a certain age is in possession of the right to life.

III. RIGHT TO LIBERTY

1. Slavery prohibited: Slavery, slave trade, involuntary servitude, and trafficking for involuntary servitude are strictly prohibited, as they are based on the immoral principle of ownership over another person.

2. Forced labor prohibited: Forced labor is prohibited except for criminals serving prison time, for members of the armed forces performing their lawful military service, or during a general draft in wartime.

3. Forced medical experimentation prohibited: No one can be subjected without his or her free and informed consent to physically invasive or otherwise harmful medical or scientific experimentation.

4. Forced pregnancy prohibited: A woman cannot be forced to become pregnant, and is free to use birth control methods to avoid becoming pregnant. A man is also free to use such methods for the same end.

5. Kidnapping, unlawful confinement, and rape as serious crimes: Kidnapping or otherwise greatly limiting the free movement of another person without their consent is deemed a

serious criminal offense (felony). Rape (sexual intercourse with another through unlawful duress or threat of harm) is also deemed a felony.

6. Right to free movement: A citizen has the right to free and independent movement within his or her country, and a right to leave the country and return to it an unlimited number of times. The state may not force any citizen to go into exile.

7. Right to reside anywhere: A citizen has the right to reside alone or with others anywhere in his or her country of residence (where residential property is available for rent or purchase).

8. Compliance with lawful detention and arrest procedures required: Detention of a person by government agents can only be made for a brief period (typically minutes or hours), and only as part of a routine security check, or if the agents have probable cause to suspect the person detained has violated the law. Government agents can only arrest a person if such person fails to comply with the mandates of the law which allows for the arrest of a person reasonably suspected of its violation. Such arrest must be approved within a reasonable time by a judge upon a determination that the arrest is legally justified.

9. Right to challenge your detention as unlawful: A detainee or their legal representative may, under specified circumstances, petition a high court to request that the government show the detention (pre-trial or post-trial) is, in fact, legally justified.

IV. RIGHT TO PROPERTY

1. Private property allowed: Every person has the right to purchase or otherwise legally obtain, own, possess, enjoy, and make lawful use of, both personal and real property, and also do the same in voluntary association with others.

2. Ownership rights granted in original creations: Every person has the right to benefit from the protection of the material and moral interests in one's intellectual property, including one's original scientific, literary, and artistic creations.

3. Property taken only with legal cause: One's private property cannot be legally taken by any person except with one's

consent, in compliance with a valid legal mandate, or by the government for just compensation and by demonstration in a court of law of a compelling public need for such taking.

4. Search and seizure restricted: One's person and property cannot be searched against one's will in a place where one has a high expectation of privacy (usually a place of dwelling). Such a search cannot take place, and evidence from such a search cannot be seized and used against a person, unless a judge issues a warrant based on a showing that a search of the specific location and the seizure of the specific items is necessary to prevent a crime or solve a crime. A warrantless search can be made if the search is necessitated by compelling and legally specified emergency circumstances.

In public places, one's person and property may be searched and items seized as part of a routine security check where such checks are normally done (such as airports and international borders), or in other places (such as one's car) if the detaining officer has probable cause to believe the person searched was involved in the commission of a crime and the items seized are required as potential evidence.

V. RIGHT TO THE PURSUIT OF HAPPINESS

1. Right to freedom of thought: You have an absolute right to think any thoughts and hold any beliefs.

2. Right to pursue knowledge: You have the right to seek knowledge from any available source (including the Internet, which cannot be "filtered" by the government), and to pursue your education.

3. Right to free expression: You have the right to express privately and publicly facts, ideas, opinions, and emotions, in spoken, written, visual, artistic, and other such means, on any topic, including dissent or criticism of any opinion, ideology, or event, or the government and its actions, or a past or present public official, public personality, private person, or any other entity. This right also includes the right to do the same by publishing in print or any other media. You further have the right to privately and publicly express your tastes, preferences, and

practices in such matters as language and culture, as well as in art, fashion, food, and drink.

The right to free expression does not extend to slanderous or libelous information, or to incitement to unlawful activity or violence within the state, or to the expression of information legally recognized as overwhelmingly harmful and devoid of merit.

The spreading of information can be prevented in advance if, in the absence of outweighing considerations, such information is deemed by a court of law to pose a serious threat of undermining national security, or if it would present a likely danger of greatly and unduly harming the rights of others.

4. Right to privacy: As regards your body, as well as property, places, and circumstances that are largely under your control and in which your interests far outweigh those of others, you are free to enjoy a high degree of privacy, with no undue intrusion or interference by any person or by the government. This expectation is greatest in one's residence, with one's personal effects and personal correspondence, and in intimate situations.

5. Right to assemble and to protest: You have the right to join others in peaceful public assembly and demonstration, with limited and reasonable restrictions of time, place, and manner as per public order, safety, health, and morals, as well as in consideration of the fundamental rights and freedoms of others.

6. Right to associate and be politically affiliated: You have the right to associate with any other willing person or persons for non-criminal purposes, whether for profit or not for profit, and whether formally as an organization or union, or informally. You also have the right to choose your political affiliation, or to refrain from doing so. You further have the right to renounce your citizenship in the state if you have been granted citizenship in another state.

7. Right to practice one's religion: You have the right to adopt any religious faith of your free choosing, and to express such faith (to the extent you wish to do so) in private and in public, individually and communally, and in all forms of expression (prayer, ceremony, dress, diet, etc.). You also have

the right to set up public houses of worship, and the right to seek to promote your religious faith to individuals, groups, and society at large through any lawful means.

8. Right to change one's religion and to be free from being forced to adopt any religion: You have the right to change your religious faith, or to have no religious faith at all. You have the right not to be forced (by the government or any group, individual, or other legal entity) to profess or practice any religious faith. Tolerating the public expression of religious faith by others does not constitute being forced to practice others' religion.

9. Right to cohabit with any other adult: You have the right to cohabit with any other adult or adults, related or unrelated to you by blood, male or female.

10. Right to have romantic relations, sexual relations, enter into marriage, and divorce: You have the right to be romantically involved with any other consenting adult regardless of the marital status of either party. You also have the right to have sexual relations in private with another consenting adult, including of your own sex. Such right does not apply if the parties are closely related by blood, and with various restrictions applying when done for pay.

A man and a woman of marriageable age (typically 18) have the right to marry each other for any reason (with the free consent of both parties to the marriage, so long as neither is already married); to divorce for any reason (with the free consent of either party to the marriage); to re-marry; and to remain single.

Marriages may be officiated by a religious or non-religious official authorized to do so by the state.

In marriage, husband and wife have equal rights and responsibilities in the eyes of the law.

Civil unions and domestic partnerships may be extended to two individuals who do not meet some of the requirements of marriage.

11. Right to bear children and raise them: Any adult woman not deemed legally incompetent to do so (by a judge, on a case-by-case basis) has the right to bear children and to raise them.

12. Right to engage in recreational activities: You have the right to engage in sports, hobbies, and other recreational pursuits of your choosing, as well as a right to rest and leisure.

13. Right to own and take care of pets: You have the right to own and take proper care of any pet except those deemed by law to be particularly dangerous or endangered.

14. Right to form contracts: Any adult not deemed legally incompetent to do so (by a judge, on a case-by-case basis) has the right to form contracts for lawful purposes with other adults or other legally recognized entities (such as corporations or the government).

15. Right to seek employment and be compensated: You have the right to freely choose your profession, and to seek to reap the rewards of your contribution as mutually agreed between you and your employer, or through the use of collective bargaining. You also have the right to choose to be unemployed.

16. Right to strike: You have the right to strike and not be punished by your employer for doing so. The right to strike may be greatly or entirely curtailed by the government in the case of employees who are in vital industries or positions.

17. Right to spend your money: You have the right to spend your own money and use your own assets in any lawful way and to have upon your death your money and assets passed on to any beneficiaries you choose.

VI. RIGHT TO DEFEND YOUR RIGHTS

1. Right to self-defense: You have the right to use force to defend your body or that of other innocents from physical harm by others, or your property from theft or harm, when the harm or threat of it occurring is credible, imminent, and significant. You may use lethal force to do so if the threat is of serious harm or death to innocent life, provided lesser means are not reasonably available to you.

2. Right to seek judicial redress: You have the right to seek judicial redress for violations of your legal rights.

VII. RIGHT TO DUE PROCESS

1. Basic principle: Your fundamental rights to life, liberty, property, and the pursuit of happiness can only be deprived by the government with due process of law, which consists of the mandates below.

2. Be informed of the charge against you: You have the right to know the specific violation of law or laws you are being arrested for, charged with, and sentenced for. A charge against you can only be brought if the prosecution reasonably believes you committed the crime, and the charge must be brought within a reasonable time after your arrest.

A statute of limitations for most crimes specifies the maximum time after the date of the commission of the crime beyond which charges can no longer be filed.

3. Be handled properly by law enforcement agents: You have the right to be free from any physical harm caused by law enforcement agents during your detention, arrest, interrogation, trial, and imprisonment (unless, and to the extent, necessitated by your physical resistance to the agents in performing their lawful duties). You also have the right not to be coerced into giving a confession.

4. Right to remain silent: You have the right to remain silent during your arrest, interrogation, trial, and imprisonment, and to otherwise invoke your right to remain silent to avoid self-incrimination.

5. Charge must meet certain requirements: You cannot be charged for something that was not regarded by law as a crime at the time you committed it. You also cannot be punished more harshly if the punishment has increased since the time of the commission.

6. Pre-sentencing release conditions: You have the right to be free from custody until your trial commences and throughout its duration if you do not pose a substantial risk of fleeing justice or risk of being a danger to the public, as deemed by a judge. If bail is set, it must not be excessive.

7. Presumption of innocence: You are presumed innocent of the charges brought against you by the state until proven and declared guilty in a court of law.

8. Court must have proper jurisdiction: To hear your case, the court must have proper jurisdiction over you and over the matter at hand.

9. Can only stand trial if legally competent: You have the right to avoid being tried if you are deemed by a court of law to be legally incompetent to stand trial because you are unable to comprehend the charge leveled against you or to participate in your own defense.

10. Right to mount a defense: If you cannot afford to hire legal counsel in a criminal case against you involving a felony charge, you have the right to free assistance of legal counsel provided by the state to act as your zealous advocate, before, during, and after your trial. If you can afford to do so, you may hire any counsel in good standing agreeing to represent you. You have to be given adequate time to prepare for your defense. You further have the right to be present during your trial, to mount a defense by presenting evidence and witnesses in your favor, and to confront and question witnesses and challenge evidence presented by the state or co-defendants.

11. Hearing must be fair and public: The trial (and all related proceedings—before, during, and after the trial) must be fair both to you and to the state, the latter representing not only the interests of society but, as the case may be, also seeking justice on behalf of the victim and the victim's family. The commencement and duration of the trial cannot be delayed unduly to either your or the state's disadvantage. The trial must be open to the public with as few limitations as would be prudent and fair to the interested parties.

The judge must be competent, rule according to the relevant and admissible facts presented by the defense and prosecution and according to the applicable law and precedent, and be impartial and free from undue influence (including influence from members of the legislative and the executive branches of government, from the media, or from any other uninvolved group or individual).

If a jury determines your culpability, the jury must be generally representative of the community in which the crime was committed, and be required to determine guilt or innocence and

punishment based exclusively on the relevant and admissible facts and law, as instructed by the presiding judge.

12. Standard of proof for guilt to be high: To be deemed guilty, you must be found guilty beyond a reasonable doubt (in civil cases, a finding for one party typically requires a lesser standard—“by preponderance of the evidence”; in capital punishment cases, the preferred standard is to be “beyond any doubt”).

13. Can avoid culpability under certain conditions: If you are deemed to have been legally insane or acting not of your own volition while committing the offense, or if you are deemed to have committed the crime because another person forced you to commit it under threat of inflicting on you grave bodily harm or death (except if the crime you ended up committing is murder or infliction of grave bodily harm on another innocent), you are not legally culpable for the crime charged, and you cannot be punished for the act.

14. Punishment not to be excessive: The punishment imposed on you cannot be excessive in relation to the nature of the offense you committed and your role in committing it, as well as in relation to the reasonable likelihood of your continued criminal conduct based on your criminal history. Mitigating factors and aggravating factors are to be considered before sentencing. Corporal punishment and punishment amounting to torture is strictly prohibited. Your detention or incarceration is to be in facilities that are fit for human habitation and in which you are given some opportunities for your rehabilitation.

15. Right to appeal: In criminal cases (especially those with significant legal consequences, such as imprisonment), both you and the state have the right to at least one appeal to a higher tribunal. In the most consequential cases (as determined by law or the judges of the highest tribunal), both you and the state have the right to an appeal before the highest tribunal of the land.

Commutation of the sentence or pardoning is to be made possible under specified limited circumstances (typically by a judicial committee or by the head of the executive branch of government).

16. No double jeopardy: You cannot be tried or punished again for an offense for which you have already been convicted

or acquitted in a final judgment (though if the law allows for it, you can be tried separately both criminally and civilly for actions arising from the same conduct).

VIII. RIGHT TO EQUAL PROTECTION

1. No legally recognized hereditary classes: Castes or other hereditary classes are not legally recognized.

2. Equal protection basic principle: Society should seek to have as many of the aforementioned fundamental rights as possible (to life, liberty, property, and the pursuit of happiness), the laws that embody them, and the equal protection from their violation apply to as many people as possible within its jurisdiction. Therefore, classifications based on gender, race, ethnicity, age, religion, national origin, language, wealth, education, marital status, health, disability, sexual orientation, citizenship status, criminal history, and other such status classifications can only be used to deny their members the enjoyment of these rights, and the equal protection from their violation, with good cause. To determine what constitutes “good cause,” and what other factors need to be evaluated in matters concerning equal protection, several guidelines are followed:

a. An element of reasonableness, at a minimum, must usually be shown to substantiate the “good cause” for the denial. For example, denying every person under the age of 15 the right to drive an automobile has an element of reasonableness; however, denying every adult over the age of 60 the right to practice their religion completely lacks the element of reasonableness. Another example: In the private sector it is reasonable to give preference to job applicants with a particular level of health, education, skill, and language familiarity if such elements can reasonably be said to contribute to increased business profits in that particular business, and to give less preference to those applicants lacking in such skills or traits.

b. The most restricted status classification is that of incarcerated criminals, whose rights—except the right to life, to the most fundamental and personal liberties, and

to due process—can be greatly restricted. The only two other broadly restricted classifications, though considerably less restricted than criminals, are those of minors and non-citizens.

c. In respect to one's fundamental rights to life, liberty, property, and the pursuit of happiness, the right to life is the most important; therefore, no classification can limit such right. Though there is no universally agreed-upon hierarchy of the importance of rights, some rights are more uniformly regarded as important than others. For example, buying food at a grocery store is directly related to the right to life, and therefore such food establishments cannot discriminate against any classification of individuals. However, private country clubs, which mostly provide very narrow association and recreation rights, may do so under certain circumstances.

d. The more injurious the discrimination, the higher the standard should be for permitting it. For example, giving a 1% income tax credit to nurses to encourage the study of the nursing profession is less injurious to non-nurses than the harm suffered by disabled persons not having their special access needs accommodated in government buildings.

e. The less an activity associated with a legal right has substitutes, the less legally permissible is the denial of equal protection for its enjoyment. For example, because there is only one public voting procedure instituted for an election, no classification except that of non-citizens, incarcerated criminals, and minors may lead to a denial of the right to vote in a public election. Another example: Public transportation has few or no substitutes for many people who do not have their own means of transportation; therefore, virtually no classification can prevent the equal right to the enjoyment and use of public transportation. The same is true for nearly all rights to liberty and property. The right to the pursuit of happiness, however, typically does have more substitutes. For example, when women-only gyms refuse membership to a man, he still has access to mixed gyms and men-only

gyms, and he can exercise as well in private, and thus in the eyes of the law any of these substitutes is sufficient so as not to legally require women-only gyms to accept male members.

f. Some classifications encompass many more people than others. For example, the classification of one gender represents approximately 50% of the population. Therefore, denying equal protection to such a broad classification must be justified by a very high standard of proof, showing that the need for the denial of equal protection in its current form is substantially related to a very important societal interest. There are also some classifications which encompass within them many other classifications. For example, race encompasses most other classifications, including gender, age, religion, etc. Therefore, an even higher standard of proof and demonstration of an even greater societal interest has to be shown in order to deny members of such groups equal protection.

g. As it represents an entire population in a particular area, the government and its positions, entitlements, and funded services can be subject to fewer classification restrictions than those of private entities, whose freedom to make independent choices for their own self-interest should also be respected. Non-political government positions must be open to all citizens who meet the merit requirements of the position, and those selected must be among those with the highest merit. Government contracts must be awarded based on a fair and competitive bidding process. Government funding must go to all similarly situated groups or activities.

3. Demonstrating wrongful discrimination: In seeking to demonstrate that one's equal protection rights have been denied in a specific case, one has to show that the denial was the result of a discriminatory intent, rather than the result of another potentially valid reason. For example, if a member of a racial minority was not hired for employment, and a member of a racial majority was subsequently hired for the same position, it is not enough to show this mere fact to prove a denial of the minority

member's equal protection rights. Instead, such member would need to show that other, legally permissible, explanations for why he or she was not hired were not at play, or to demonstrate that the person hiring had a clear intent to discriminate against them because of their race.

IX. RIGHTS OF A PARENT

1. Right to joint custody: Both parents having child custody are to share it jointly when married, and, upon divorce, the default legal position is also joint legal and joint physical custody.

2. Equal legal parental rights and responsibilities: Both parents having child custody are to have equal legal parental rights and responsibilities, including the right to maintain a direct and personal relationship with their child, unless a court determines otherwise.

3. State to provide special benefits to the family: The state is to provide special legal benefits to the family in recognition of it being a fundamental and vital building block of society.

X. RIGHTS OF A CHILD

1. Rights of all infants equal: All infants have the same rights, whether they are born male or female, in or out of wedlock, or to adoptive or biological parents.

2. State to make valid guardianship demands: The state has the duty to demand that the legal guardians of a child (typically the parents) bear the primary responsibility for the rearing of the child, by having them take steps to reasonably ensure their child's health, well-being, safety, and education. The state also has the duty, after due process, to change the guardianship temporarily or permanently if such mandate is not followed by the present guardians.

3. Child's best interests as governing principle: The child's best interests serves as the paramount legal principle in

cases involving child custody disputes and in other cases involving the child's welfare.

4. Special protections granted to minors: In addition to the fundamental rights that can reasonably be applied also to minors, the state is to give minors special rights and protections, primarily in guarding them from undue physical and psychological harm. This includes, for example, laws limiting or forbidding sexual conduct between adults and minors, laws preventing children below a certain age from being employed, laws limiting access to children from purveyors of harmful products, and laws granting minors special rights before the courts. Special provisions are to be made with respect to orphaned, neglected, and abused children, including by seeking for them suitable foster or adoptive parents. Adoptions of unwanted babies are also to be encouraged by the state.

XI. STATE DUTIES AND FUNCTIONS

1. Grant citizenship: The state has the duty to grant citizenship to all individuals meeting the enumerated legal criteria (typically those born in the state, those born to existing citizens of the state, and those who emigrated and underwent naturalization).

2. Protect: The state has the duty to protect its citizens' vital interests from harm originating externally or within the state, by maintaining a police force, armed forces, border patrol, intelligence services, and related agencies, and equipping them properly to meet the tasks they face in the present and may likely face in the future. A notable governmental priority in protecting the public domestically is combating organized crime and armed gangs. The possession of heavy weaponry and its use is vested exclusively in the hands of the governmental bodies in charge of defense and security. No group of citizens may band together to form competing armed bodies to those of the state. A volunteer or compulsory armed services may be complemented during wartime by a general draft.

The governmental duty to protect and promote public safety also encompasses disaster preparedness and early warning of likely threats to the citizens' vital interests. It also

encompasses the protection of public health in such areas as sanitation, disease control, and preventive care, and includes the limited power to impose a health quarantine and involuntary hospitalization.

Other specified causes of considerable harm to the general public are to be prevented, regulated, or outlawed by the state, such as certain dangerous products, controlled substances, and hazardous materials, as well as particularly unsafe industries and work conditions.

In cases of true emergency, the state's duty to protect its citizens may override citizens' fundamental rights, but only to the extent and duration necessary to ensure the safety and well-being of the general population.

3. Bring to justice those that harm society and its citizens: The state has the duty to apprehend individuals who harm society by their commission of crimes, to try them, and if found guilty—to impose punishments and ensure they are carried out.

Though every individual has the right to self-defense, only the state and its policing, judicial, and enforcement agencies are entrusted with the administration of justice, including the imposition of punishments (except in civil cases where the parties can agree to alternative dispute resolution).

4. Defend citizens' broader interests: The state has the duty to defend the interests and concerns of its citizens as against other states and/or their citizens, including at diplomatic and consular stations of the state in foreign countries. The duty to defend citizens' broader interests also includes defending the rights of domestic businesses and promoting their interests, especially those stemming from their intellectual property rights.

5. Welcome foreign visitors and immigrants: The state is responsible for creating an orderly means by which citizens of other countries who meet certain enumerated criteria can enter the state legally for purposes of tourism, pilgrimage, family visits, investment, business, and employment, as well as for relocating to the state for permanent residence and citizenship. The state should ensure that its immigration policy does not result in the undermining of the essential-liberalist character of society.

6. Grant asylum: The state has to strive to take in as a refugee at its borders or at its embassies abroad anyone for whom there is a high likelihood of facing serious harm to themselves if they are denied entry by the state and are forced to return to their home country (which is not essential liberalist), provided the actions of such person for which they are sought at their home country are not ones that stem from violating the fundamental rights of others.

7. Protect the environment: Harm of a certain magnitude to the natural environment is a crime, with regulation typically encompassing issues involving the environmental impact of human-produced waste (in particular, the disposal of materials deemed toxic to the land, water, or air) and the improper interference with vegetation, streams, and wildlife on public land. The state is also to encourage protection of the natural environment with an eye towards long-term conservation of its resources, biodiversity, and beauty, and with consideration for its benefit to, and enjoyment by, all citizens. This includes the right to designate some areas as protected public lands or parks. The state also has the duty to preserve cultural and religious sites of great historical significance.

8. Protect animal welfare: Cruelty to animals is a crime; the possession of certain animals (particularly dangerous or endangered species) is a crime; the handling and transportation of some animals (typically farm animals, dangerous animals, and animals used in medical experimentation) is to be regulated by the state; and humane treatment of all animals is strongly encouraged.

9. Demand contributions: The state has the right to demand monetary contributions in the form of taxation to fund the operation of its essential-liberalist duties and functions. State residents who do not contribute as required face enumerated legal consequences—up to, and including, incarceration. The total of all taxes demanded by the state (national and local) should not exceed 50% of any resident's before-tax income, except in times of national emergency. In addition, taxes cannot be used to set a limit on the amount of profit an individual or a business can make or wealth they may accumulate, or to redistribute income from one group of residents to another.

10. Pass laws not inconsistent with these fundamental rights and principles: The legislature has the duty to pass, by majority vote, laws that implement the Essential Liberalism tenets. Such laws will often place certain limits on citizens' rights in consideration of the need to further the public safety, order, health, and morals. These laws must be narrowly drafted to ensure they do not overly or needlessly limit the citizens' exercise of their fundamental rights, with only the most vital restrictions placed on personal solitary conduct done in the confines of one's home.

Laws that plainly or largely nullify or negate the Essential Liberalism tenets are immoral and illegal per se. If, nonetheless, the highest court in the land has ruled such laws to be legal and either the legislative or executive branches of government (or both) agree with such ruling, OR if the highest court has deemed such laws to be illegal but the legislative or executive branches of government refuse to obey the court's ruling, the citizenry has the right to resort to extraordinary measures, up to and including civil disobedience, until such time as the offensive laws are rescinded or practices stopped.

11. Pass laws in furtherance of the spirit of these fundamental rights and principles: The legislature has the right to pass, by majority vote, laws that are not inconsistent with these fundamental rights and principles in order to promote the well-being of the citizens and of the environment in which they live, and to make society more just, compassionate, and prosperous.

XII. ESSENTIAL-LIBERALISM VALUES

1. Free economic marketplace: The government's primary effect on the economy is through its fiscal policy (taxing and spending) and its monetary policy (setting the interest rates and controlling the supply of money). Though the government has specific roles to play in the economic marketplace (for example, investing or promoting investment in such areas as vital infrastructure, public health, and food production; encouraging foreign investment in the domestic market; negotiating trade agreements with other nations; preventing the export of sensitive technologies to certain countries; preventing monopolies and

cartels; regulating various aspects of corporate entities and the banking industry; and punishing economic crime such as insider trading and unfair competition), such economic marketplace must be characterized by a high degree of freedom from governmental involvement—both in domestic and in international trade. The vast majority of economic enterprise is to be in non-governmental hands, with the government engaging only in enterprises that are not best done by, or otherwise best left for, the private sector.

A free economic marketplace allows participants to make their voluntary contributions, interact with others who do so, and negotiate among themselves—through the operation of free market forces—the values of goods and services and their exchange, and thereby the profit from that exchange. Free market forces include bargaining, competing, and cooperating; supply and demand; the use of commercial speech; and hiring and firing employees largely based on business sense and in accordance with existing agreements between the parties.

Business productivity in general, and entrepreneurship, financial risk-taking, expertise, and innovation in particular, are recognized as the engines of economic growth, and are therefore encouraged. Efforts by industries to self-regulate are also favored. Due regard is given to environmentally sound and worker-supportive business practices.

Policies leading to a reduction of poverty, the emergence of a large economic middle class, high rates of home ownership, low unemployment, and low inflation are supported by the government.

2. Strong preference for self-reliance, but also support for those who temporarily or permanently cannot adequately resort to it: Every adult person is presumed to possess not only a free will, but also abilities to enable him or her to function in society according to such will and in conformity with the reasonable expectations of society. This means that every adult is presumed to bear a personal responsibility for his or her affairs and for meeting his or her various needs, as well as a responsibility and ability to act in compliance with the law.

The societal expectation is that individuals who temporarily or permanently cannot achieve a sufficient degree of self-reliance will turn for support to their relatives, their friends,

and to non-governmental organizations (including philanthropic and religious organizations), as such expectation will lead to the strengthening of the bond among the members of the community, and will increase direct compassion, charitable giving, and a sense of personal and immediate duty to one's fellow citizens. However, society will also provide financial and other mechanisms for collectively helping citizens in various difficult situations and conditions—usually more so for children with special needs; the elderly with special needs; the physically and mentally handicapped; the poor; those unemployed through layoffs; those harmed by natural disaster, violent crime, or terrorism; and veterans of the armed forces—and less so (or not at all) for those whom society reasonably believes are now able, or should have been able, to meet a minimum standard of self-reliance and good judgment.

A collective pension system serves to ensure that all citizens who have contributed to the collective pension fund during their working years receive a monthly allowance during their retirement years.

3. Rationality and prudence in governance expected:

In matters concerning governance and legislation, the exercise of reason and good judgment by government officials is expected, with close scrutiny by such officials of the full range of costs, benefits, and tradeoffs of proposed government actions; careful analysis of the practicability of suggested measures; focus on the actual results produced by government actions, rather than the intended results; appropriate use of empirical evidence, scientific methodology, and the advice of recognized experts; wise and responsible conservation, management, and expenditure of public resources, limiting waste, limiting budget overruns, and ensuring efficient execution; minimization of the burden of bureaucratic regulations; and learning from past mistakes and seeking future improvement.

4. Over-legislation discouraged: As a natural consequence of the interaction between members of society, some members who exercise their fundamental rights may at times do so in ways that might conflict with the exercise of fundamental rights by other members of society. Setting the boundaries for such potentially conflicting conduct is required so

as to allow as many members of society as possible the ability to exercise their fundamental rights without causing undue harm to other members who also seek to do the same.

In reconciling these potential conflicts, the laws passed and the courts interpreting them are to avoid overly-burdening the citizenry with legal limitations on conduct causing only slight harm or no harm to others, or on conduct that is otherwise better left unregulated in favor of citizens' freedom to decide their own best course of action. As not all offensive, unhealthy, or immoral conduct can or should be made illegal, individuals and groups who nonetheless seek to minimize such conduct by others may opt to exert economic, cultural, educational, and religious pressure aimed at reducing such conduct.

In addition, government cannot consider any inequality other than inequality of fundamental rights as a cause necessitating legal intervention. Specifically, government cannot seek to bring about an equality that is antithetical to the freedoms of the adult members of society, such as equality of achievement, education, income, wealth, or any other outward expression of people's fundamental rights.

5. Judicious use of military power: The use of military force by the state against other nations or outside groups should only be carried out if done (a) in self-defense in response to a clear act of war against the state's vital interests or the lives of its citizens, or against the interests of friendly states or the lives of their citizens; (b) to thwart nations or groups who are posing a gathering threat of likely attack on the state's vital interests or on the lives of its citizens, or the interests of friendly states or the lives of their citizens; (c) to thwart nations or groups who are sponsoring terrorism against the state or its citizens, or against friendly states or their citizens; (d) to thwart nations or groups who are committing genocide within or outside their own borders; or, (e) to thwart nations or groups who are committing large-scale atrocities within or outside their own borders.

Terrorism is any act that targets civilians in order to cause them death or injury, or harm to their property, with the further expectation that a broader disruption and fear resulting from such act will lead citizens and their government to make concessions to the group the terrorists are representing. Genocide is the

attempt to exterminate an ethnic or national group. Large-scale atrocities are unjust human rights violations that result in the suffering of numerous people from extreme physical and/or psychological harm.

Means short of military force intended to bring a halt to all such acts (i.e., acts (a) – (e)) must first be explored and tried—directly and through international cooperation—and a thorough cost-benefit analysis must be carried out to ensure that the likely cost of military action would not exceed the likely cost of inaction or lesser action, given the expected benefit. If military action is undertaken, it should be carried out if possible with the support of friendly nations and with due regard for international law. When time is of the essence and the threat particularly grave, however, action must not be unduly delayed.

Should the offending state end up being occupied, the occupying state must not seek to turn the offending state into a colonial possession, but rather should help it become a non-offending sovereign state characterized by a greater degree of adherence to Essential Liberalism tenets than was previously the case.

6. Abhorrence of torture: Torture is the intentional infliction on another of severe pain or of permanent or long-term bodily or psychological injury of a substantial nature. As punishment or as deterrence, torture, including methods that can be escalated to amount to torture but fall short of it, is strictly prohibited in all cases. As an information-eliciting method, torture is prohibited in all but the most extreme “ticking-bomb” cases, i.e., an individual who is soundly and firmly believed by the authorities in an essential-liberalist government to have information that can prevent an impending attack resulting in large-scale mayhem, and lesser means do not lead such person to disclose their life-saving information.

Methods that can be escalated to amount to torture but fall short of it are also to be strictly regulated by law; used only in clear cases involving a substantial threat to national security or to the lives of citizens; authorized only by select high-level officials; and applied only when lesser methods fail repeatedly.

7. Use of one’s rights to seek to withhold others’ fundamental rights not permitted: In exercising any of one’s

fundamental rights, if one’s clear expressed aim is, or the end result of one’s actions would be, the withholding of these fundamental rights from others, the state can limit such conduct. For example, if an individual is running for office on a platform that calls for denying a certain racial minority of citizens any of the fundamental rights to life, liberty, property, or the pursuit of happiness, such individual may be barred from running for office until such time as his or her platform is modified to comply with this requirement.

8. Importance of education and educational institutions: The sciences, trades, arts, and humanities are vital to the well-being of society and its members. Therefore, proper education is mandated until at least the age of 16, and qualified institutions are publicly supported. Specifically, policies aimed at universal literacy, proficiency for children in the basic subjects, and adequate teaching of the importance of good character and civic involvement are supported with public funds.

9. Open dialogue among members of society encouraged: The open exploration and exchange of ideas on all subjects of concern to human beings, whether formally (as in research) or informally, is encouraged. In such an environment, a broad marketplace of ideas is created, free of unnecessary restraints, where society can develop its potential more fully, and where each individual can pursue knowledge with the aid of a great variety of information sources.

10. Resolution of disputes through non-violent means: Peace within and between every unit of society is held up as a high ideal. Such peace includes tolerance of everything that comes within the purview of these fundamental rights and principles. Members of society are duty-bound to resolve all disputes among themselves through non-violent means (except as specifically noted) whether directly, or with the help of third parties (through mediation, counseling, etc.). If the disputing parties are unable to compromise and reach agreement, and their dispute is over matters that fall within the purview of the law, they are encouraged to turn to state mechanisms, namely the courts, to solve their dispute.

Plaintiffs abusing the legal system by bringing frivolous lawsuits have their cases dismissed, and are also required to pay the adverse party's attorney's fees and costs.

11. Importance of fraternity: Though the primary legal duty of all citizens is to be loyal to the state by upholding its laws, they are also expected to conduct their lives with a broader spirit of fraternity, civility, and a personal commitment to their fellow citizens that goes beyond what is mandated by law. Basic respect for, and tolerance of, all law abiding citizens and their pluralistic views and practices creates in society an atmosphere conducive to peaceful relations and to shared work on common goals for a better future. The prevalence of one common, unifying language also serves to promote these ends, as does the celebration of national holidays and traditions and the preservation of the important cultural and religious heritage of society.

Such fraternity does not mean, however, insisting on a style of discourse that attempts to mask existing differences, or demanding that every narrow minority position be accommodated. Rather, the shared belief in the importance of the framework created by the Essential Liberalism tenets and the commitment to preserving such tenets allows each citizen to experience the fraternal sense that comes from the understanding that what unites the various citizens outweighs that which divides them, and that together society will thrive or fail in living its common destiny.

12. Inevitability and desirability of majority rule: Inevitably, through the democratic process, the majority's sense of the good society will be the one to define the contours of the Essential Liberalism principles and practices, and the reconciling of priorities (at times, competing priorities) called for in their implementation as laws. Therefore, no two essential-liberalist societies need be identical in their version of the good society, because majorities in each society may hold different views on what is more or less important in implementing these tenets and on how best to embody them in law.

The minority in the essential-liberalist society possesses the power to change the opinions of current members of the majority, so that one day the old minority may become the new majority and pass laws embodying its values and priority

judgments. The extent to which a minority is effective in changing the hearts and minds of the majority will affect how societal values change over time, as would changes in the majority's own outlook.

Although the majority's implementation of its version of the good society is largely constricted by the framework of Essential Liberalism's foundational principles and practices, the need for a community to express and embody its beliefs, traditions, judgments, values, morals, and ideals will necessarily mean the majority's version of the good society will be the prevailing one on any given issue, rather than the minority's. Thus, for example, if a majority in a community seeks to use public space to celebrate the majority's traditional religious holidays or display its traditional symbols, such use is not necessarily antithetical to Essential Liberalism, as it does not force any religious minority to celebrate the majority's religious holiday. If, instead, the majority in society is subjected to the demands of numerous minorities (who, by definition, hold less common—and frequently uncommon—views), the majority is in effect being ruled by the minority. Invariably, a majority embodying its values and priorities in law means more people are happier than if the current minority positions were embodied in law. Therefore, as a matter of both fairness and greater utility, basic respect should be given to a majority acting within the many essential-liberalist limitations placed upon it.

If a citizen holding a minority opinion finds they no longer seek to persuade the majority to adopt their minority views, or if they no longer wish to tolerate the majority's views and practices, they can opt to leave the community for another community where their values are currently part of the majority.

13. Recognition that Conservative Essential Liberalism is consistent with Essential Liberalism: Essential Liberalism does not advocate the continuous exchange of ideas among citizens on what constitutes the good society, without also calling on them to recognize and partly settle on what has already been shown over decades, centuries, and even millennia of human history to be beneficial for individuals and for society as a whole. The principles and practices embodied in *The Essential-Liberalism Manifesto*, for example, are already considered to be

the current settled wisdom in all liberal democracies around the world. Essential Liberalism is therefore not inconsistent with what may be termed Conservative Essential Liberalism, as the latter approach fully embraces Essential Liberalism while emphasizing the need to preserve what has been conserved by tradition and long practice as part of the good society.

Though not opposing change, Conservative Essential Liberalism calls for it to be more carefully weighed, gradual, and respectful of what has come before, in recognition of the wisdom of earlier generations and the traditions, values, laws, and institutions that have enabled the survival of the present civilization. Such conservatism treats with suspicion untested, radical, or otherwise completely new and revolutionary ideas or implementations; judicial involvement that unduly trumps majority wishes; and claims of scientific mandates devoid of broader considerations, all of which may result in social disintegration or other potentially far-reaching changes born also of unintended consequences. Conservative Essential Liberalism typically also prefers the size of government, its involvement in non-essential functions, and the rate of taxation all be minimized.

Conservative Essential Liberalism, therefore, can be viewed as the moderate right wing of the political spectrum in an essential-liberalist society—seeking as well to preserve and protect Essential Liberalism itself from veering to the left of the political spectrum, while also promoting its own vision of the good society within the accepted parameters of the essential-liberalist world-view.

Continuing the search for more aspects of the good society within the Essential Liberalism environment and its many agreed-upon freedoms, rights, duties, practices, principles, and values is the shared goal of both those on the moderate right and moderate left, as well as those in the center, each guided by their own world-view.

14. Respect for friendly nations and global cooperation: The territorial integrity, sovereignty, and freedom of other essential-liberalist societies need to be fully respected by the state, as these societies are fundamentally the equal of one's own, and share in the larger fraternal community of essential-liberalist nations. Essential-liberalist societies, realizing they have

much in common with one another, should foster greater mutual ties, including pooling of resources to achieve common goals, and should otherwise deepen the peaceful and friendly relations among them.

Friendly relations with all other nations that are not hostile to the state and are not engaging in terrorism, genocide, or large-scale atrocities should also be maintained, even states that share only some of the essential-liberalist principles and practices.

The state should, independently and in concert with other nations, offer humanitarian and other aid to all nations that have a great need for it, such as those experiencing famine or plague, regardless of such nations' governing ideologies.

The establishment of international bodies and the development of international law should be encouraged for the purpose of coordination and cooperation on matters of global concern to all nations and all peoples.

15. Inculcating and spreading Essential Liberalism: All citizens, as well as appropriate governmental agencies, are entrusted with inculcating these Essential Liberalism tenets among the youth of the state and among its non-citizens, so that all members of society may come to know and cherish these ideals. The dissemination of these ideals should also be directed at other societies, in particular at those that are governed by values that are antithetical to the values of Essential Liberalism.