

# How to manage the EU crisis

## Optimising the quality of living through efficient, democratic management strategies<sup>1</sup>

By Thomas Kahl

### Introduction

The following article is intended as an invitation to take a new and comprehensive look at the present situation in Europe. This approach focuses on *the laws of nature* and a variety of aspects that have so far been neglected in public debate. It particularly includes measures based on legal regulations and law systems in different countries. These measures have been widely ignored (or deliberately excluded) for certain reasons. In fact, it seems that only a small number of experts worldwide are as familiar with *the general fundamentals of law* (i.e. its origins in biology, mythology, spirituality, theology, religion, education) as with *comparative law*, (i.e. the actual differences in the law systems and regulations between nations). To date, juridical research and education have largely addressed legal conditions in their own territories and international treaties and business' transactions (commercial law).

Ever since economic globalisation in 1989/90, it has become necessary to apply a broader perspective: The relations between national constitutional laws, international law, human rights and citizens' rights should be considered and clarified. This article contributes to the debate. As such, the perspective presented by the author will diverge from a traditional outlook on legal research and education. It will probably provide several new and surprising insights to readers.

The article is targeted at solutions. In the face of common misconceptions, misinterpretations, carelessness and mistakes, the promising strategies are outlined. Large parts of the requirements for implementing solutions are already available. In fact, implementation is rather easy. Determined human engagement can considerably reduce the necessary amount of financial investments. Although certain players will possibly be held personally responsible for specific failures, the author suggests refraining from the temptation to accuse, judge and punish. Only beneficial strategies should be applied, as role players often end up in positions that leave them without a chance to act according to their personal values or to generally accepted social expectations. They can very easily become victims of circumstances that no one can anticipate and prevent.

### Summary

The EU-Greek crisis is (1) seen as a part of a national economic and destructive competition that has taken all countries into its stranglehold. Furthermore, (2) this crisis has been shaped by negotiations and institutional procedures that do not live up to the needs of people in certain European countries. Thus, effective crisis management primarily requires activities on an international level. Besides this, (3) in all countries certain problems can only be solved by the locals themselves. If they ask for support, other countries should offer and provide scientific and practical assistance. Among these means, giving (lending) money to them is only appropriate in close combination with activities that can guarantee to avoid disinvestment. In general, (4) finding appropriate solutions must reflect actual human behaviour and social norms, especially laws, agreements (treaties), habits, traditions and values concerning their historical and territorial context variables.

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<sup>1</sup> This article is available at [www.hrhd.eu](http://www.hrhd.eu) Copying and distributing the original version of this text to spread the word is very welcome and encouraged. Please consider that translations may have altered the message intended. To understand this text properly, we suggest referring to the original German version: Ein Management-Konzept für die EU-Krise [www.imge.info/extdownloads/EinManagement-KonzeptFuerDieEU-Krise.pdf](http://www.imge.info/extdownloads/EinManagement-KonzeptFuerDieEU-Krise.pdf)

Constructive methods can be found in the United Nations' interdisciplinary natural science approach. This approach is explained circumstantially: Great Britain's tradition of *The Rule of law*, fairness and righteousness. Necessary and promising efforts consist in supporting optimal living conditions all over the world.

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### 1. The EU-Greek crisis is influenced by global economic competition

Solving problems in a country such as Greece is predominantly not a question of money but of supplying people with adequate goods and services. Clear and efficient legal regulations that form a solid foundation of appropriate organisational and educational procedures are required. Adequate regulations have been developed to the reliable and valid knowledge of those natural sciences dedicated to the support of optimal conditions and quality of human life, such as biology, psychology and health care. Obviously, the solutions to the problems of every country lie in fostering humans' ability to solve problems, especially their insight into the *laws of nature* and life, their creativity (inventiveness) and their ethics. All challenges can be mastered using personal and organisational development schemes. Investment in human resources (knowledge and skills) should be a top priority when it comes to providing sufficient goods and services to the population. The quality of life in any country essentially depends on how its inhabitants behave.

Greece will probably need thorough practical advice and support in these areas. It is the only way that any economic and financial reforms will be successful. Simply providing money has never solved a problem. More often this is useless or even intensifies problems. Promises or contracts to use the money appropriately to achieve certain results do not guarantee success: You will not be successful merely by giving alcoholics money to participate in recovery programmes. Even though the problems of Greece and the problems of addicts may differ in many respects, they have at least one thing in common: Money might be useful solving certain problems, but additional forms of support are crucial to success.

It seems unbelievable that the EU agencies are not able to see these obvious facts and, respectively, take them seriously and act accordingly. It is more likely that these agencies are not at liberty to make their own choices and decisions: They possibly feel obliged to act in the way they do by the market situation and financial pressure. Since the collapse of the Communist System in the Soviet Union (USSR) and its partner states in 1989/90 and the economic globalisation, state economies and commercial enterprises entered in a messy competition, all of them fighting one another. In this market, all participants could generally do what they believed convenient for their own survival, as there were no international

juridical agreements or any law enforcement to establish rules of fairness, control compliance or maintain social order.

In the face of such struggle for survival, the assumption that prioritising economic growth and financial solidity (austerity), instead of supporting the abilities of individuals, supposedly seems reasonable. This pragmatic orientation, where costs are often reduced in the wrong places, has led to an EU strategy with disastrous results – not only for Greece but also for the world economy and all human beings.

### **The present economic fight for survival is deadly to humanity**

In fact, the EU-Greek-crisis is a part, as well as an obvious symptom, of a crisis that has all countries in its stranglehold: If some countries and ‘their’ commercial enterprises take part in this fierce competition, those who refuse to participate in this monopoly game will perish and cease to exist. Greece seems to be one of the first victims of this development because most Greeks prefer to lead their lives in peace with their families and in harmony with nature instead of competing in war-like conditions. Germany, as one of its counterparts, holds different values: It is strongly motivated to do everything as perfectly as possible and to play an ‘important’ role amongst the leading industrial states. Of course, the majority of Greeks do not want to be forced to behave like Germans. Does anyone really want to live under conditions, so stressful they ruin your health and family life? On a global scale, the situation in Greece is actually much better than in many other countries, such as Bangladesh, El Salvador or Niger.

This development must be taken seriously: If the current competition for survival proceeds, it will be deadly to humanity. Ultimately, no state and no company have any chance to survive this fight, because all resources will be destroyed.

There is no valid reason for this to be continued to its bitter end. This kind of rivalry is not a result of the inevitable *laws of nature*. It was simply caused by human negligence and carelessness. Something has got out of control, which, however, can easily be corrected. The required modifications can be implemented by applying the extremely useful interdisciplinary knowledge provided in the fields of education, law, and public health, in political and quality management and several economic areas. Destructive competition can be stopped. The United Nations Organisations can foster and coordinate worldwide cooperation. The origins of the problems as well as their solutions become obvious when we examine the current situation in Europe.

### **2. Without a constitution neither *rule of law* nor *democracy* can exist in the EU**

All procedures and topics involved in current debates between European government representatives and representatives of EU agencies are greatly influenced by the fact that all attempts to establish a formal constitution for the EU have failed. The main reason for this can be found in the huge cultural differences between European states.

Of course, Greece and Germany are not the only countries with differing values and ideals. Legal control systems in the countries of northern and southern Europe present extreme divergences: People in the north tend to formalise procedures by considering and formulating rules and exceptions very carefully or by basing them on experiences (case decisions, case law), such as in Great Britain. People in the Mediterranean region tend to prefer flexible and intuitive forms of interpersonal communication (negotiation) to find pragmatic agreements

that seem to be emotionally satisfying at a given moment. At present, it looks as if no general agreement can be reached neither among the people nor between the governments of the necessity and helpfulness of a formal constitution as the basis of the work of the EU agencies.

In European countries, the gaps between what constitutional laws actually mean and how they are interpreted and put into practice by individuals, politicians, judges and executive bodies are significant. Their legal content and purpose seems to be widely unknown to a considerable majority. Contrary to a widespread misinterpretation, a constitution is not to be regarded as a mix of socially desirable aspirations (values) that need not and cannot be applied in all our daily affairs. Facing practical circumstances and jobs that urgently need to be done, narrow-minded pragmatic proceedings are favoured much too often, disregarding constitutional regulations. Such forms of unconstitutional activities would hardly be possible if profound and detailed studies of constitutional law and corporate law were part of a compulsory curriculum in all schools.

All European governments and their institutions use methods for dealing with challenges that are mainly determined by their national traditions, conventions, predominant lobbies and certain aims that satisfy a considerable number of voters. On the European continent, these methods have been derived mainly from the different forms of *warfare*, as opposed to the British Isles where extended periods of peace have added to the experience and allowed the Britons to cultivate an extraordinarily high and satisfying standard of living. Concerning behavioural rules, Britons and Scandinavians seem to have much in common. Probably, phylogenetic similarities have contributed to this fact.

In the face of such huge diversity, it is self-evident that the differences between European countries make it very hard to find a common denominator. The prevailing methods are obviously far from the adequate and efficient *democratic* strategies needed to cope with the challenges at hand. This becomes obvious in light of the large number of refugees that are arriving in European countries from Africa and Asia: So far, an agreement on how to solve the problems in an equitable way doesn't seem to be in sight.

These facts, and the way the challenge of preparing a European constitution was handled shows that European governments are using management strategies that do not meet the *democratic law of rule*. Generally, *the core of democracy* is represented by parliamentary forms of communication, which lead to solutions satisfying everyone, rather than in the election of representatives in free and secret voting. Respectively, Thomas Gordon (1918-2002) and Marshall B. Rosenberg (1934-2015) presented very useful rules for appropriate communication. Arriving at such satisfying solutions affords more than considering the ideas of few politicians and their parties, brought to a vote and a decision. This is not enough. Democracy, just like reason, requires that, in the process of finding solutions, the needs, creativity, knowledge and skills of the people are officially recognised, demanded, appraised, appreciated and utilized: Best solutions require decision-makers to look for possible solutions independently, using their own abilities as well as involving experienced individuals from everywhere. This is not habitual in the face of the usual kind of 'discipline' in political parties.

*Democratic* participation means: All citizens can and should contribute their own ideas, suggestions and actions dedicated to finding ideal decisions and solutions and adding to the common welfare, prosperity and health. In modern democracies, one of the main purposes of sciences, arts and mass media should be the support of such processes by structuring and organising, as intended in the German constitution, the *Grundgesetz*. They should

beneficially endorse the politicians' work. It is neither fair nor helpful leaving political representatives to find solutions on their own and then criticising them. Commonly, criticism will only provoke defence and rejection. Their open-mindedness towards ideas and solutions suffers and might even cause cynicism towards the public. If the population supports politicians appropriately, there is no need for political parties, as Kwasi Wiredu (\* 1931, Ghana) suggests. If the decisions made by parliamentarians aim solely at maintaining power, political programmes and lobbyists' interests, the consequences are disastrous. Unfortunately enough, it is the most common political management strategy ruling today.

Politicians, businesspeople and other individuals often neglect one fundamental truth: When seeking benefits at the expense of others, the resulting, possibly harmful, side effects could be much more powerful than the expected advantage. Generally, damage and destruction is easier to accomplish than sustenance and recuperation. A narrow-minded focus on profit never pays off in the long term. Defending the interests of certain parties and groups against other parties and groups to defeat all rivals will always involve war and destruction.

As long as politicians and business professionals focus on aggressive operations, they will never achieve satisfying solutions and common welfare. Their arguments that, since the end of World War II, peace has ruled in Europe is in no way convincing considering their current behaviour. Respectively, the reasons for awarding the Nobel Peace Prize to the European Union in 2012 are doubtful. Even though officially declared warfare deploying military weapons between European countries has been minimised, it does not mean that we have had peace. Various other kinds of weapons with much higher efficiency can be used to defeat other countries: Propaganda, disinformation, legislation, coercion, control, credits, monetarism, austerity policy as well as destructive (destabilising) strategies regarding education, health care, management, trading, selling and production.

In the so-called Cold War, both western and eastern states were forced to form alleged 'solidarity' or 'friendship' alliances so that obvious differences and conflicts between European nations were displaced and restrained. These survival unions completely contradict what *friendship or collegiality* usually means: Friendship or collegiality, just like a romantic relationship, is based on an understanding of mutual support to the benefit of all parties involved and includes tolerating (accepting) individual differences and the willingness to deal with possible conflicts open-mindedly and fairly. Therefore, displacing and restraining (suppressing) conflicts commonly ruins beneficial communication and cooperation. This insight has motivated Ruth C. Cohn (1912-2010) to develop universal rules to enable people to deal with conflicts in a productive way, simultaneously enhancing their productivity in cooperative working situations, such as parliaments. Differences between people often generate interest and attraction towards each other as well as difficulties that need to be managed.

Difficulties in relationships have caused many European countries suffering in the past and have been the reason for permanent struggles and wars: In the long history and tradition of European countries, typical regional characteristics (identities) have developed. There are strong tendencies to defend these traits against all challenges. Nobody is ready to give up their own beliefs, habits, values and identities or to change them without convincing arguments, reasons, profits or necessities.

On a political level, such differences have rarely been considered, respected or appreciated as the result of natural, cultural development, which represents a variety of appreciated forms of life that should be respected and cultivated. Diversity and pluralism often seem to be



unacceptable (intolerable) for politicians. They will rather prefer management strategies efficient in restricting differences and establishing uniform, homogeneous orders directed by their power and rule. Commonly, they will aim to form reality according to their ideas and interests, regardless of the *laws of nature* and needs of the population. In many countries, people who think or act opposed to the established rulers or parties run the risk of being observed, judged and defined as potential enemies, betrayers or terrorists. Besides this, the well-known Roman warfare strategy 'divide et impera' (divide and rule) is widely used to weaken, break and destabilise citizens' power by initiating conflicts between them: By deliberately increasing diversity and anonymity, trustful cooperation and productive communication are prevented. Inducing rivalry can generate an unmanageable stress load and growing difficulties. Such circumstances can cause illness (e.g. burn-out) or drive individuals to drastic actions, such as running amok and initiating civil wars. Suppressing, displacing, restraining and defeating the alleged problem does not really help to get rid of it and its source.

It is desirable and necessary that each country's people are governable. The above-mentioned management strategies might be regarded as useful in this respect, but they are also highly destructive. They have been in use for thousands of years and document the limited state of consciousness of our predecessors. The *rule of law* is an enlightened, modern management strategy to govern people in ways that are constructive and much easier to handle for politicians: In such structures, people no longer need to be governed by others, providing they are empowered to rule themselves by using self-regulation standards for their behaviour, according to responsibilities and in line with the *subsidiarity principle*. The self-regulation *rule of law principle* has globally proven to be applicable and efficient in *road traffic regulation*. Problems can be solved only through deliberate constructive action, for instance by creating favourable circumstances.

Under favourable circumstances such as periods of leisure, building responsive social relationships between individuals has been rather easy, regardless of nationality, religion, sexual orientation, social status, education, occupation or personal restrictions. Generally, *peaceful conflict management* targets the following: Differences and conflicts are a natural and inevitable part of socialising. They should be taken seriously as impulses to learn more about ourselves and teach us how to communicate, gather information and new insights, open our opinions and views, change our perspective, orientation and behaviour and increase our ability (competence) to optimise the quality of living for others and ourselves. Based on these principles everyone should be able to achieve as much happiness as possible. The ability to care for others and ourselves at the same time is the most important and satisfying human competency. It establishes the very core of love. As caring is so rewarding, many people volunteer. Those who can afford it even pay substantial amounts of money to learn useful strategies that nurture gratifying relationships with partners and children. Family therapists are the experts in this area.

On such positive effects, destructive ways of avoiding and suppressing differences, conflicts and difficulties by weakening or eliminating others should not be used. Instead, adequate ways of communicating with dissidents should be encouraged to develop most constructive solutions. Skilled politicians and leaders know that personal competence needs the support of others' knowledge and experience and contributes to a comprehensive approach towards challenges.

Because of the challenging circumstances politicians usually work in, they seem to face permanently eminent difficulties in finding constructive approaches to satisfying solutions.

Therefore, the risk of failure is great. As they do not want to be perceived as incompetent or guilty, they are constantly tempted to veil their failures. Instead of objectively evaluating the results of their activities, they compare their activities to those of others and claim to be more successful. Given today's situation, we should also remember that, during colonisation, European countries spread these questionable values globally in combination with corresponding legal, organisational and educational regulations and strategies, referring to them as benefits. Due to their history and former 'success', some European countries still uphold strong feelings of self-esteem and pride.

Greece is a particularly outstanding European country because of its leading role in the arts, political and educational literature and theatre, philosophy, natural sciences, mathematics, democracy, competition in sports (Olympic Games) and warfare in antiquity. Due to their *humanistic* cultural background, their role in the conflict with the EU agencies might be seen as a parallel to David and Goliath, as described in the Bible.

Because of their cultural features, European countries will only be ready to accept a form of constitution that ensures respect regarding these traits. As there has never been a profound public debate about the strengths and weaknesses of different constitutional approaches and concepts, the failure of the 2004 initiative of the 'Treaty establishing a Constitution for Europe (TCE)' was no surprise. Consequently, EU regulations were based on agreements (treaties) between political representatives of the member states. Largely, they represent their own and their advising lobbyists' individual opinions and schemes. The population's perspectives, their actual circumstances and real-life needs are widely ignored. This has contributed to various problems that can cause global disaster:

1. Without a constitution, there is no democracy, no adequate legitimation for legislation and no fair chance for citizens to claim their rights if they have been mistreated.
2. Without a constitution, there is no clarity and regulation (transparency) regarding (a) the nature of cooperation and support between member states and (b) how to proceed if conflicts between member states arise, member states do not adhere to agreements or agreements are interpreted in different ways. This lack of regulations results in an inefficient management strategy: Every issue has to be discussed individually in meetings until satisfying results are achieved. Moreover, majority voting is standard procedure for making decisions. Therefore, a permanent lack of protection for minorities is inevitable.
3. Taken together, this encourages a breeding ground for complaints and dissatisfaction with the work of the EU agencies. This work does not respect and tolerate differing values, law principles, cultural properties, mineral and natural resources, social-economic circumstances and climate conditions of member states sufficiently. As a result, political parties with radical right and left-wing orientations emerge in all European states. The attitudes of these parties do not actually target peaceful forms of cooperation between European countries but are directed at agencies that lack legitimisation to act as a government for European countries appropriately. The actual work of these agencies favours animosities and will possibly even lead to civil war. This shows that the EU is governed by pure forms of despotism and not by constitutional procedures. A main reason for this can be found in the fact that the EU agencies are still influenced by circumstances originating in the Cold War – these agencies were shaped by *war law* rather than *peace law*.

As far as I know, in 1989/90 the UN did not inform the public that, as from then, a new kind of cooperation between states had become necessary worldwide. In 1991, the Warsaw Pact and the Council for Mutual Economic Assistance (COMECON) were dissolved following a

specific version of the international law that meets the principles of the *rule of law*. This act transformed former members of the Soviet Union and its satellite states in Eastern Europe into sovereign countries. On the other hand – disregarding their legal obligation to follow the *rule of law* – not enough has been changed for the states in western Europe. They still depend on one another in almost the same way they did during the Cold War: EU treaties and NATO cooperation were merely modified and are still valid. Furthermore, instead of signing a *Peace Treaty* with Germany, the Allies invented the so-called *Two-Plus-Four-Treaty* from Sept. 12, 1990. The western countries did not adhere to the *rule of law* principle and continued to use the same forms of cooperation established during the so-called Cold War to subjugate other countries.

If, instead of remaining in this tradition, all Western European governments had followed the principles of the *rule of law*, their states would have become sovereign countries. As sovereign countries, they would have the freedom and competence to cooperate in flexible ways with each other, according to their actual needs. In fact, the UN was originally founded in cooperation with brilliant scientists such as Albert Einstein and Maria Montessori to ensure this kind of constructive cooperation.

Free forms of cooperation between European sovereign states are possible without the need for a European constitution. Effective cooperation between countries can be established merely by defining operational rules. This would have been much easier and more appropriate than the restrictive treaties determining the work of the EU agencies today. Currently, these contracts total more than 60.000 pages. Presumably, no one is actually capable of understanding and following these treaties and they seem to be nonsensical.

As a formal constitution can be useful to coordinate and facilitate cooperation, the UN participated in preparing a constitution designed to meet the values and the needs of every country in the world. A result of this commitment was the *German Grundgesetz*, which was passed after World War II. In fact, the *Grundgesetz* was commonly misinterpreted by leading German politicians and legal experts, because they did not realise that the *Grundgesetz* is a reviewed version of the constitution of the British Empire and the Commonwealth of Nations. The British constitution also had been fundamental in the process of founding the United Nation's Organisations. One of the earliest contributions formulating this concept of a constitution was a science-fiction novel about the isle of 'Utopia' that was published by the British law expert and Lord Chancellor Sir Thomas More in 1515/16. In 'Utopia' he describes his ideal version of a state. A modern version of this is outlined in 'Island', the last book the English writer Aldous Huxley wrote, published in 1962, which also appears to have inspired John Lennon's song 'Imagine' (1971).

The *German Grundgesetz (GG)* is based on fundamental laws derived from the UN *Declaration of Human Rights*. According to Article 1 GG, the legislative, the judicative and the executive sectors of a government are obliged to ensure these laws and rights are obeyed and respected. They define the *rule of law*. This rule orders that the members of all parliaments, all courts and judges and executive units must follow and respect these laws (rights), and support the population to obey and respect these laws (rights) in all their personal and professional affairs. One of the main duties of institutions and organisations representing education, science and mass media is to provide corresponding support to the population.

For humans, to a certain degree, the conditions of living always depend on aspects of safety and security. Therefore, *security law or life protection law* must be regarded as the



predominant law (1.) It is there to support the highest human values: human dignity and personal safety. No one should be harmed or damaged. Individuals need protection through housing, clothing. They need enough food. These fundamental human needs cannot be granted in periods of war but only in *peace*, meaning that conflicts should be managed with peaceful and beneficial strategies. Consequently, developing and using such strategies should be promoted everywhere. (2.) Ranking next, we find the laws (rights) that guarantee required levels of individual freedom all living creatures need to move, grow, meet and conduct their daily lives. For human beings, this includes supporting their abilities and talents through education, schooling and training. (3.) Next in line we find the laws (rights) for appropriate forms of cooperating and communicating. These laws (rights) also define and control responsibilities in and between organisations. They include the rules for fair commerce and the exchange of property.

In Article 1, the *Declaration of Human Rights* summarises its core content: ‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’

Following the *law of nature*, constitutional law, fundamental law and human rights present in positive terms, how humans should act constructively towards one another and towards things and properties. Its counterpart is *criminal law*. It outlines destructive behaviour, what can or should be done if such behaviour occurs, and how to minimise it and its harmful consequences.

### **3. Optimising cooperation based on the *rule of law* and the *subsidiary principle***

The *rule of law* and the *subsidiary principle* are legal management concepts that have been derived from the *laws of nature*. They are designed as helpful behavioural tools to overcome all existing difficulties between people. As they are based on human competence and interaction, they do not require money, power or administration effort. If these concepts are applied properly, the EU will become ‘lean, competent and powerful’<sup>2</sup>, as suggested by Roman Herzog and many others. These concepts guaranty *universal justice*. The antique goddess *Justitia* is often shown with a *Libra* in her left hand – a symbol of objectivity and balance, equality and consent – which is fundamental to perfect forms of cooperation and harmony between people and towards their natural environment.

The *rule of law* is an algorithm and a process that serves as a tool to secure peaceful ways of conflict management between all individuals and countries. The *subsidiary principle* is based on the fact that every person and every country should be enabled and supported to manage their own challenges by using their own resources as well as they can. The ability to follow the *rule of law* and the *subsidiary principle* requires specific skills and behaviour, which can only be acquired by adequate means of education or by equivalent forms of personal and organisational support. In the process, individuals and countries may develop constructive forms of competition beneficial in supporting others to become productive and content. The UN concept of inclusion aims at supporting individual skills and needs appropriately.

**According to the *rule of law*** all human beings, no matter in which position they are, are required to act the way laws intend them to and follow them: All individuals, including judges and politicians, have the same as well as equal rights and obligations. Individuals in

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<sup>2</sup> Roman Herzog: „Europa neu erfinden – Vom Überstaat zur Bürgerdemokratie“ Siedler Verlag 2014. Translation by the author of this article.

leading position, coordinating others behaviours, only act as *primus inter pares* (first among equals) in given situations and moments, not all the time. They can be dismissed from this position immediately if they fail to follow the rules of law. Ergo, their authority is based on keeping the law, not on their positions or on personality traits.

An easy way of understanding the successful implementation of the *rule of law* can be seen in commonly known traffic regulations. Even though there are remarkable differences between countries, e.g. speed limits or driving on the right or left side of the road, *the essentials of traffic regulation* are identical all over the world. Corresponding to the basics of human rights principles, these regulations say: 1. At all times, individuals should be cautious and of no threat to others, nor hinder or harm them. 2. These rules are supported by road signs, which present more detailed information. They are necessary in situations where circumstances might not be obvious but unclear, ambiguous or indefinite.

As rather successfully established in traffic regulation, generally the *rule of law* gives simple and clear direction on how to behave according to common sense and reason, facilitating cooperation, health and an optimal quality of living. Hence, there is a good chance that the *rule of law* is understood, appreciated and obeyed by all humans by following their heart and intuition. As it does not prescribe appropriate action in detail, it allows for flexible adjustments of human behaviour to differing situations and values. It presents a framework for grades of individual freedom that requires consideration and evaluation of all possible consequences and acting responsibly for them, i.e. to minimise harm and damages. This approach respects human dignity. It is based on the faith of human *good will*.

Steps towards this socially desirable direction can be recognized in the names of Syriza's sister parties in Spain, 'Podemos' – 'We can' ('We are competent'), and in Portugal – 'Juncos Podemos' – 'Together we can'. These names refer to human skills such as insight, intelligence, consciousness, awareness, empathy, flexibility, creativity and ethics (reliability and responsibility) as means of adequate problem solving. It obviously does not refer to the need and usefulness of money. Competent people doubt that governance compelled by money will lead to the desired effects. The *rule of law* is the *rule of reason*. It was invented to overcome barbarity and irrationality.

Certain kinds of barbarity have apparently been caused by misinterpreting the following Bible phrase: 'Go therefore and make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you.' (Matthew 28:19-20) The quote requires that Jesus' version of *justice*, the *rule of law* and *human rights* is spread amongst all nations – it has, however, been misused to fight others and force them to adopt 'Christian' beliefs against their will. Thus Jesus' definition of the *rule of law*, 'to overcome hostility and to live in peace and appreciation of one another', has been juxtaposed: Influential individuals in several European countries believed they have a right to fight countries outside of Europe, impose their beliefs and strategies on them and destroy their culture – an attitude that presents certain similarities with the current vandalism exposed by activists of the so-called Islamic State.

Additionally, barbarity in *criminal law* has become part of the law system. In many countries, e.g. governed by the Islamic legal system Sharia, the emphasis seems to be on destructive variants of punishment (humiliation, criminalisation, physical punishment, beatings, torture, death penalty etc.) rather than on constructive actions such as dispute resolution,

compensating victims, reparation, re-socialisation, moral and ethic education (honesty, responsibility, respecting others, see Lawrence Kohlberg 1927-1987).

If people become used to being punished with cruel methods, they will probably assume that cruelty is an appropriate social strategy, e.g. for education and in *criminal law*. Hence, cruelty against others is often regarded as justified. Yet cruelty is a method of warfare! Believing in the benefits of cruelty contradicts human dignity and is amongst the greatest mistakes in the history of humankind. As a rule, cruelty is harmful and sometimes even traumatising. Recovery often requires sustained support through healthcare systems, especially involving physicians and psychotherapists. However, *criminal law* is meant to protect people from threat, harm or danger to their safety, health, freedom, moral welfare and property.

Such prevention is necessary, regardless of suspected or even evident guilt. In order to support constructive action, Jesus said: 'Let any one of you who is without sin be the first to throw a stone at her.' (John 8: 7). The same attitude is proclaimed in other parts of the New Testament: 'Then Peter came to Jesus and asked, "Lord, how many times shall I forgive my brother or sister who sins against me? More than seven times?" Jesus answered, "I tell you, not seven times, but seventy-seven times."' (Matthew 18:21-22). This number is symbolic and generally understood as a synonym for every time and at all times.

Rulers, presidents, parliaments, judges, diplomats, mediators, superiors, parents, teachers, group-leaders, trainers, coaches, therapists, officials etc. should never establish orders that are not in balance with the *laws of nature*. *The law of nature*, the *rule of law*, for instance *The Ten Commandments* and the *human rights* – they all exist to protect life, health, safety and the welfare of all human beings, of the entire human family. Contradicting these laws causes harm, not only to others and nature, but also to oneself. Every human being is part of nature.

Believing in the existence of a *punitive* God who personally punishes anyone that does not behave according to His order as proclaimed in the Hebrew Bible, has obviously not been very helpful to humanity. It has probably rather encouraged human leaders and judges to assume they possess God's wisdom and are His representative on earth ('by the grace of God) – and consequently, to act as dictators and despots, regardless of the *law of nature*.

The ancient Roman principle 'Quod licet Jovi, non licet bovi' ('What is permissible for Jupiter is not permissible for an ox' or 'Gods may do what cattle may not') delineates considerable differences between gods and mammals, e.g. human beings. Unfortunately, Jesus' efforts to correct this confusion has not found global acceptance. 'Judge not, that you be not judged.' (Matthew 7:1). For a change of perspective – from guilt and punishment to support and responsibility – profound research is necessary to minimise quantity of destructive and criminal behaviours.

The large numbers of refugees from Africa and Asia coming to Europe now, because the living conditions in their homelands have become intolerable, could be understood as a logical result of human rights' violations caused by former and current European politics, especially against indigenous races. Consequently, European countries are obliged to react by taking adequate responsibility for the people affected. They should primarily contribute to developing living conditions that no longer motivate to leave, but encourage staying and engaging in *homeland* projects that will improve the quality of life according to their own values.

Some European governments are possibly not yet ready to accept such insights and benefit from the lessons history has provided. One of the most helpful lessons might be that changing their attitude towards human beings in general is very powerful when dealing with current issues and problems. What it needs and takes can be expressed in one sentence: *Every human is obligated to respect and obey the Conventions on Human Rights*. This includes the following three points:

1. No one has the right to control or to dominate others or define their lives. Exceptional situations (emergencies) may call for the obligation to decide what is best for another person.
2. The *responsibility to protect*: Every human being has the duty to support and protect others against harm and offenders. It is very important to provide mental and emotional backup to stabilise self-confidence by self-awareness. It should be taken into consideration that direct support such as violent action or the provision of weapons usually initiates escalation. The *responsibility to protect* has to be regarded as part of the *subsidiary principle* to prevent its misuse.
3. If these circumstances are carefully considered and sustained, everyone has the right to live their lives according to their personal values and abilities and should receive suitable assistance for personal growth.

These principles are basic rules and guidelines of the work of UN organisations. They belong to the *subsidiary principle*. Neglecting these principles is the root of numerous disasters that happen through interpersonal and institutional interaction. These principles also define the core of democracy and had a certain impact on John Dewey's famous book 'Democracy and Education' (1916).

**The *subsidiary principle*** is a peaceful strategy for conflict management. Its origins are in biology and it is about successful parenting: It explains how to satisfy children's needs without neglecting personal needs, interests and duties as adult individuals and as people who work to provide for their lives and their living conditions. It is about resolving family and professional affairs.

This strategy depicts how members of Homo sapiens can successfully adapt to the circumstances and challenges life poses, in line with the research of the British scientist Charles Darwin (1809-1882). This principle is probably one of the most important 'sponsors' of human survival and essential for the development of human abilities and talents to ensure an optimal standard of living. If circumstances are favourable, this principle will work perfectly in nature, not only for human parents and their children but also for other mammals and their offspring. It is useful in all fields of society: When people with different abilities socialise; when cooperation is inevitable and challenging and when divergent interests might lead to conflicts, struggles, strikes, and even wars.

According to the *subsidiary principle*, parents should support their children's autonomous self-regulation and self-determination skills, liberating themselves from unnecessary expectations on behalf of their children in the process. They should show respect for their child's efforts by not interfering with its activities unless explicitly asked or invited to assist, intervene, help, etc. By the time they are adults, children should have learnt how to manage everything they need to their own satisfaction by their own means and resources. To support the child's own (intrinsic) motivation, activity, creativity and responsibility, parents should give their children only what is appropriate and necessary for them – under no circumstances more than this or anything inappropriate for the individual child's personality. Each child is

unique and therefore in need of special support. Children should be regarded as experts in knowing, expressing and finding what they need. Parents should perceive, respect and nurture children's needs. They have no right to request children to satisfy their adult wishes or expectations, as these usually overstrain children's abilities, thus destabilising development and personality.

Transferred to a societal level, this principle defines that social problems should be dealt with at the level they are best solved, i.e. immediately (or locally). The Oxford English Dictionary defines subsidiarity as the idea 'that a central authority should have a subsidiary (that is, a supporting, rather than a subordinate) function, performing only those tasks, which cannot be performed effectively at a more immediate or local level'. Governments should undertake only those initiatives that exceed the capacity of individuals or private groups acting independently.

The *subsidiary principle* is suited to respect different regional needs and values, to treat them fairly and cultivate them. For this reason, the *subsidiary principle* is often associated with the concept of federalism. In contrast to this and bases of rivalries, the principle of representative advocacy leads to uniformity, egalitarianism and centralism through majority-voting methods, which suppress and level down the minorities' positions. This customary form of advocacy runs against the common good and common wealth.

In fact, the ethical attitude towards respect and tolerance demanded in the concept of human rights on a level of personal interaction are equivalent to the *subsidiary principle* with respect to organisational and international interaction, ever since the League of Nations (1920) was founded. Following this principle, teachers, counsellors, therapists, facilitators, mediators, diplomats and professional management trainers have developed a huge variety of means and methods to support the abilities of their customers. What the *subsidiary principle* demands is ignored by politicians who are not very familiar with these means and methods.

The management strategy of subsidiarity has become the status of law in federal constitutions such as the *German Grundgesetz* and international cooperation between nations, especially concerning the work of the UN. In politics, this principle has been known for thousands of years, but it has often been neglected. Jesus of Nazareth proclaimed it a long time ago. In the Bible we read: 'Jesus called them together and said, "You know that the rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not so with you. Instead, whoever wants to become great among you must be your servant, and whoever wants to be first must be your slave, just as the Son of Man did not come to be served, but to serve, and to give his life as a ransom for many.'" (Matthew 20, 25-28).

This principle should also guide the efforts of EU agencies according to the treaties of Maastricht (1993) and Lisbon (2009). It is well suited to solve all present challenges in Europe. However, regarding the obligations of the EU, Roman Herzog has pointed out: 'Such wide-ranging principles do not work when each case needs to be brought before court individually and the court, in this case, the European Court of Justice, feels no great desire to enforce its jurisdiction.'<sup>3</sup> This disgrace is caused mainly due to the fact that the European educational bodies neglect to familiarize the public with the meaning and the function of the subsidiarity principle and the rule of law.

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<sup>3</sup> Roman Herzog: „Europa neu erfinden – Vom Überstaat zur Bürgerdemokratie“, Siedler Verlag 2014, p. 135 et seq. Translation by the author of this article.



The pursuit of profit is only fair and compatible when the *rule of law* is applied and it is based on methods apt to contribute to common welfare. The famous moral philosophers, Adam Smith (1723-1790) and Immanuel Kant (1724-1804) agreed on this truth: It is the core of the categorical imperative. Kant's categorical imperative and his book 'Perpetual Peace' (1795) are fundamental to the principles of the United Nations. Their efforts are dedicated to the proclamation, introduction and compliance of strategies for democratic global governance as an alternative to a centralised, global government hierarchy:

Under the *rule of law*, there is no place for destructive competition between countries and 'their' commercial enterprises, for powerful countries to reign over poor countries and to exploit their material and human resources or for imperialistic control through a world government ('New World Order'). Although agencies and countries in the European Union widely neglect to follow the *subsidiary principle* and the *rule of law* to date, the UN consistently does its best to comply.

#### **4. The UN's position and what obstructs the rule of law on an international level**

The disastrous results of World War II and the crimes against humanity (human rights) under the despotic rule of Adolf Hitler played a substantial role in the foundation of the United Nations Organizations (UNO). All nations unanimously wanted peaceful interaction instead of belligerent confrontations. The UNO was created to support this intention. The Conventions on Human Rights were a contribution developed to back this endeavour: Respecting and protecting human dignity and all human rights were generally considered as preconditions for peaceful conflict management and finding solutions favouring the common good. Accordingly, *German Grundgesetz*, Article 1 (2), explicitly quotes human rights to be 'the fundament of every human community, of peace and justice in the world'. The core of the *rule of law* declares and requires observance, compliance and protection of human rights.

Great Britain and former Commonwealth States, Scandinavia and other areas in the world have had the human experience that leaves no doubt to believe that this is true. However, in other countries that have not had the same humane experiences, it does not seem as evident.

Germany is one of these countries. Because of their education and beliefs, several prominent judges at the Federal Constitutional Court, for example, Ernst-Wolfgang Böckenförde (\*1930)<sup>4</sup>, do not share these views. In their perspective, human rights do not adequately contribute to what the fundament of every human community needs or to global peace and justice. Consequently, they argue that the *German Grundgesetz* can only be accepted as a sufficient constitutional basis of the state after substantial changes are made.

Considerable inner (personal) magnitude and maturity are required to understand and adhere to meaning and intention of human rights. A definition explaining such maturity has been formulated by Buddhist Lamas. At the same time, this definition describes the phrase 'respecting human dignity':

1. Maturity is when you stop trying to change others, but instead focus on changing yourself

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<sup>4</sup> This can be seen in a book edited by Erwin Teufel (CDU): „Was hält die moderne Gesellschaft zusammen?“ (What keeps modern society together?)(edition suhrkamp 1996). Here we find contributions of politicians, professors of various disciplines, also jurists, e.g. Böckenförde. None of them pointed to the human rights and the Grundgesetz as a good basis for the community, as fundamental contribution to society's cohesiveness.

2. Maturity is when you accept people for who they are.
3. Maturity is when you understand everyone is right in their own perspective
4. Maturity is when you learn to 'let go'.
5. Maturity is when you are able to drop 'expectations' from a relationship and give for the sake of giving.
6. Maturity is when you understand whatever you do, you do for your own peace.
7. Maturity is when you stop proving to the world, how intelligent you are.
8. Maturity is when you do not seek approval from others.
9. Maturity is when you stop comparing yourself with others.
10. Maturity is when you are at peace with yourself.
11. Maturity is when you are able to differentiate between 'need' and 'want' and are able to let go of your wants.
12. Maturity is when you stop attaching 'happiness' to material things.

This definition depicts the respect and the tolerance that is fundamental to every human community, of peace and justice in the world. If people realize that, at the same time of serving their own interests they are serving the interests of others, the full power of a society and justice can unfold in the same setting – as described in Kant's *categorical imperative*. In the *Preamble of the Universal Declaration of Human Rights* we read: '...whereas disregard and contempt for human rights have resulted in barbarous acts that have outraged the conscience of humanity, and the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...'

The organisations of the United Nations were founded deliberately as democratic agencies, designed to support countries and governments only according to their obviously demonstrated open-mindedness. UN agencies emphasize respecting the dignity and sovereignty of states. Subsequently, they believe they have the right to draw the countries' and governments' attention to the challenges at hand and propose solutions. UN agencies deliberately restrain from adopting formal positions that would allow them to interfere with state policies even though they might think that intervention is sensible. They commit to the *subsidiary principle*, and this principle will only allow intervention or supportive measures if a country or government has specifically authorised the UN in every individual case. The policy of the UN towards others is based on respect and clear agreements, not on arbitrary decisions and self-empowerment. This is congruent with the *rule of law* and the *Conventions on Human Rights*. It distinguishes the democratic work of the UN from the methods of despotic and dictatorial rulers.

One of the UNOs main duties is to support peaceful conflict management should problems in the cooperation between countries occur. According to the *rule of law* and to the *subsidiary principle*, instances of the UNO can only intervene after at least one of the conflicting parties have asked for support or involvement. This may be the case if opponents believe they will not be able to solve the conflict or come to satisfying results by their own means. Therefore, in its current conflict with the EU, the Greek government should really ask for UNO mediation. The question is, why doesn't it?

One of the crucial problems in managing international conflicts is that too many politicians do not seem to be familiar with the prevailing rules. In addition, it appears that many politicians and governments deliberately choose conflict or even war, even though this contradicts international law, which was designed to prevent uncivilized (barbarian)

behaviour in conflict situations.

In addition, committing to the *rule of law* is based on a voluntary decision. This decision often originates in the awareness that better or less damaging alternatives are not available. It is rather easy to pledge to the *rule of law* if there is good reason to assume that others follow. Submission to the *rule of law* largely depends on the confidence in the reliability and the rationality (reasonableness) of others. This is why the *rule of law* is generally accepted and obeyed in traffic. In traffic, however, and here's the critical difference to the existing circumstances in international affairs, everyone is familiar with the rules and compliance is enforced by the authorities (police, penalties, courts). In all other areas, i.e. socialising at work, in everyday life, in international affairs etc., effective programmes need to be organised to support awareness, become familiar, apply and follow it accordingly. Initiating and realising consistent efforts towards personal and organisational development processes will meet these needs. They could focus on the methods of problem-solving developed in diplomacy, education, coaching, mediation, moderation and psychotherapy.

Frequently it is argued that the UN would be able to act with more power and efficiency if it were *more democratic*. The main obstacle here is not so much its organisational structure and its rules of proceeding, but the behaviour of the representatives of its member states. Democratic rules are often ignored: Often, the attitudes encountered remind of 'demanding' students, who refuse to do their work and adhere to the established rules of cooperation. Instead of developing satisfactory solutions for problems in their own country, they frequently focus on defending their wishes and interests against the wishes, interests and strategies of other member states, whom they consider responsible for domestic disasters that have not yet been resolved. Probably, they assume that *foreign policy* is generally more important for their own sake than *domestic policy*. The strategy representatives of UN member states choose (the aforementioned 'demanding students' attitude) usually reflects what the government of their country expects them to do. However, problems can only be solved properly by objectified diagnoses, never on one-sided, partial perspectives.

In the light of these circumstances, the UN's efforts and success towards constructive cooperation between countries can be only considered as disappointing. The UNO was founded in the hope that, by the use of reason, disastrous historical developments could be overcome:

For thousands of years and in many parts of our world, especially in the heart of Europe – from the Mediterranean regions to France, Germany, Poland and Russia – peaceful forms of conflict solution and tolerance for different lifestyles, individual values and preferences (pluralism) have generally found little support, acceptance and appreciation. A positive attitude towards individual human characteristics, needs, values, preferences and aims, fuelled by the desire to learn from one another, thus achieving a wider and more complete understanding of people and their ways of living, has been rather uncommon. For thousands of years, too many people in these countries have considered negative attitudes such as distrust, contempt and rejection towards people from other regions of the world as useful or desirable. Individuals who had defeated others on the basis of their own strengths were especially praised and honoured. This attitude caused many European countries to lead destructive missionary actions in the colonial era and involved almost permanent warfare between European countries.

Due to their narrow-mindedness, certain European government institutions have caused great

harm to the population – not only in Europe but worldwide. The whole world should be turned into a sanatorium to overcome the damage caused and to heal it. Fortunately, the social-emotional ethical principles and the rules of social fair play in Great Britain and its Commonwealth countries such as India, New Zealand and Australia can be used as role models for appropriate ways of living together in the Global Village. Although the *rule of law* is not followed consistently and without exception in Great Britain and elsewhere, it has a long tradition in the heart of the people. This tradition can be observed in personal communication and interaction, corresponding to the alleged the *British gentleman's behaviour*. Because of the Britons' exceeding familiarity with the traditions of respecting human rights, a written constitution for Great Britain was considered unnecessary.

Since the despotic rule of 'The iron lady', Margaret Thatcher, and her politics of austerity, this glorious tradition has suffered: Acting in favour of economic interests at the costs of common wealth and public health is incompatible with the *rule of law*, as its intention is generally to support and cultivate healthy living conditions and protect all natural resources from exploitation. Nature follows its own rules (laws), and they are everything but 'economic'. On the contrary, they are extravagant and generous. Nature produces and gives freely everywhere, without expecting any profit, award or recognition from its beneficiaries. This is why so far, *economics and monetarism* have never been evaluated as reliable or recognized natural sciences. Their concepts are too simple to cover reality's complexity.

The existing approaches (conventional opinions) about how to assess and react to economic processes differ and even contradict one another. They appear to be indefinite belief systems and arbitrary methods of power and control. Usually, they do not systematically include and consider all relevant objective circumstances of economic and financial behaviour, such as local and global ecology, natural, mineral and human resources, human needs and potentials, available technologies and psychological findings, communication and cooperation between businesses, states' actions to support certain projects, etc.

The *New Economic Foundation's Centre for Well-Being* in London, Bhutan's governmental *Happy Planet Index*, the Austrian *Ecogood* initiative (the 'Gemeinwohl-Ökonomie' [www.ecogood.org](http://www.ecogood.org)) and the German concept of a socio-ecological sustainable market economy ("Sozial-ökologisch nachhaltige Marktwirtschaft" [www.imge.info](http://www.imge.info)) appear to be promising steps for establishing reliable standards in economics and turning them into an approved natural science discipline. These concepts suggest alternative forms of economies that provide high-quality products and services to everybody without employing the destructive forms of competition (rivalry) and the subsequent fear of failing and bankruptcy.

## **5. Natural laws and findings propose practical solutions**

Essentially, the best way to solve problems is by cultivating human resources. Therefore, parents and teachers should be enabled to educate children and students to develop their problem-solving skills in productive ways: They should support them to find interesting tasks, tackle them independently and develop personal problem solving strategies. This requires (1.) preparing parents and teachers appropriately and (2.) adjusting their working conditions, empowering them to meet the personal needs of the next generation.

Politicians usually set other priorities and, therefore, these duties were neglected all around. As a reaction to this deficit and to support the necessary education and occupation improvements worldwide, the UN formulated *The International Convention on the Rights of the Child* in 1989. Up to now, they have been ratified by 195 states – incidentally these do

not include the United States of America and Somalia, which suggests that these governments are possibly not interested in satisfying the needs of their citizens.

The bodies of the United Nations, especially UNESCO, WHO and the UNO Conventions on Human Rights, have continuously been presenting solutions and suggestions to overcome inappropriate political management strategies since the end of World War II. They are based on interdisciplinary natural science research methods of solving problems designed to improve living conditions globally. They include the PISA and the TIMMS studies that have been implemented in schools to introduce and maintain best teaching, learning and working conditions (environments, social-emotional climates). The results of *Harvard Project Physics* studies by Gary J. Anderson and Herbert J. Walberg demonstrate that best teaching, learning and working conditions are free of anxiety, rivalry, hostility, mobbing, negative exam stress, lasting negative consequences of former failure and other influences that block the innate, intrinsic motivation to render best performances according to individual talents and abilities

The above investigation results are closely linked to Kurt Lewin's *field theory* (1880-1947) that describes the effects of ecology (environment) on human development, abilities and behaviour. Lewin was a pioneer of modern social, organisational and applied psychology in the United States. He was globally renowned for initiating experimental research on *management and leadership styles* in education, businesses and politics. His work had largely been motivated by political circumstances: In 1933, he emigrated from Germany to the United States of America because of his Jewish background and was teaching at several universities, 1944-1947 at the Massachusetts Institute of Technology. His approach and ideas basically correspond to I. Kant's *Perpetual Peace* (1795) and to J. J. Rousseau's *Contract Social* (1762): In order to support social justice, public health and adequate peaceful problem and conflict management, his approach compares the destructive effects of *authoritarian* (despotic) *leadership* (referring to Adolf Hitler and many others) to (1.) the positive effects of *democratic* ways to solve problems and conflicts and (2.) to autonomous self-regulation and self-determination (the so-called *laissez-fair* leadership style).

The results of this scientific approach show that an overall renewal is needed to improve the living conditions, physical health and the general quality of life – not only in Greece but in all other countries, too, especially Germany. Knowing how to solve problems efficiently means achieving better results with less effort.

International research has shown what is necessary and helpful to realise such reforms. Efficient support has been developed in various fields of psychotherapy, especially in systemic family communication, for example, in the works of Thomas Gordon (1918-2002) and Paul Watzlawick (1921-2007). A great number of excellent scientists have provided outstanding and sound knowledge. Now it is time to spread the word, make their knowledge publicly accessible and put it into practice. Fortunately, this does not imply high expenses.

However, many politicians are still blind to the benefits of such improvements and refuse to endorse them. Some of them may think that, if scientific means are more efficient for solving problems than political procedures, they could lose their jobs. However, this fear seems to be unrealistic, as many challenges are impossible to handle without the commitment and professionalism of political bodies. Scientific methods can facilitate solutions and reduce the bulk of challenges and stress politicians have to face. The absence of efficient problem solving methods is often a result of the permanent pressure and strain they are exposed to and of their lack of time and energy to develop best strategies for themselves. The political



tendency to cover up symptoms only makes things worse. The only way to achieve lasting results for solving problems is by treating their roots.

For politicians, it is generally quite a challenge to find competent scientific advice. Few people working in 'scientific' institutions actually provide productive practical benefits to society. Productive scientists mainly concentrate on being productive in their own field of work; some scientists may even be introverted or reluctant to cooperate with organisations such as political parties that have an interest in influencing social changes and developments. Often they are perceived as lateral thinkers or mavericks who disassociate from the usual lines of work pursued by less creative minds. Therefore, their achievements often remain unrecognized or are not taken seriously, and may even be scorned for long periods.

This has been the case with many famous inventors who, like Leonardo da Vinci (1452-1519), were inspired by methods and techniques used by other beings (animals, plants) to improve their existence and cope with their living conditions. This kind of approach has led to the invention of radar systems, aeroplanes and helicopters. In the field of education and health care, successful strategies to solve problems can be inspired by animals and ethnic groups – by observing how they raise and care for their offspring in the face of various external influences, caught up between symbiosis and autonomy.

The genetic structure of human beings differs from the genetic structure of gregarious animals such as wolves and dogs, which usually live in tribes dominated by alpha leaders. Human genes allow an enormous variety of social behaviours and individual developments. Like bees, human beings can live in highly organised, state-like communities or as solitary, autonomous individuals.

If conditioned and manipulated like puppets just to serve the needs of others, humans will be prevented from living up to their inborn dignity. This can lead to various psychosomatic diseases, such as stomach ulcers, depression, neurological and cardiovascular disorders, immune deficiency, cancer, physical handicaps etc. These diseases of modern civilisation are usually subject to outside influences, incompatible with vital individual needs and unable to be sufficiently changed by personal or individual efforts.

Human beings need supportive circumstances to be able to lead a *self-determined* life according to their own free will, motivation and values. They require support to develop all their abilities and talents, which will enable them (1) to deal with social conflicts fairly and without violence and (2) to contribute best to the common good, health and perpetual peaceful cooperation. The same as bees and ants, who live in colonies respecting one another without damaging or interfering, human beings can live in different ways (nations), caring instead of fighting.

If they follow the *rule of law*, they will not need a government to rule them. Instead, they will coordinate their own way of living in *deliberate, ethical self-regulation* and *self-government* according to the *subsidiarity principle* with equal rights in cooperative communication – analogous to the legal concept of *traffic law*. If difficulties arise, supervising bodies and professional advice should be made available to facilitate compliance.

Such procedures have been used successfully for decades in professional cooperation between psychotherapists and physicians (e.g. in *Balint groups*). All professions can adopt them to optimise cooperation. They strictly follow the ethical principles of Adam Smith and

Thomas Kahl: How to manage the EU crisis. Optimising the quality of living through efficient, democratic management strategies. [www.hrhd.eu](http://www.hrhd.eu)

Immanuel Kant. They differ considerably from so-called *neo-liberalist* approaches directed by intentions and recommend following spontaneous impulses or spur-of-the-moment decisions – usually without considering possible consequences or accepting any kind of personal responsibility. As these approaches are often both *barbarian and criminal*, the German sociologist Max Weber (1864-1920) endorsed the *ethics of responsibility*.

All countries and UN agencies should have *supervisory and advisory* boards responsible for respecting and complying with the ethical principles of the *rule of law*. In Great Britain's constitution, this obligation was formerly assigned to the monarch and to the House of Lords and since 2009 to the Supreme Court of the United Kingdom. In the *German Grundgesetz*, it is allocated to the Federal President and the Federal Constitutional Court. However, these bodies can only do their job correctly if the involved parties have had professional training. Their training has to be based on *natural law* science research and results. If their training is not based on natural law regulations, they often fail to do their jobs the way they should. Therefore, first-rate representatives of systemic (family) psychotherapy should be made members of these boards to ensure adequate training of at least some members. Modern social science technologies that are partly based on the *Harvard Project Physics* studies, applying evaluations of the social-emotional climate, have been developed to facilitate measuring the quality and quantity of practical implementation of these ethical principles. They can be provided to any group, organisation and institution worldwide. Detailed information and instructions have been prepared to support all humans to understand the principles of self-regulation and self-government and act accordingly. Efficient assistance, available to everyone, will help understand the *universal law system* (natural law = rule of law = common law = human rights) that has existed for thousands of years. If this system is respected and obeyed consistently, all human needs can be recognized and satisfied.

## **6. The benefits of insolvency for managing financial difficulties**

Usually, Governments do not have enough money at their disposition and subsequently, they run the risk of becoming insolvent. To avoid insolvency, politicians will possibly jeopardise their governments' sovereignty as they tend to become dependent on those who lend them money or who support them in other ways. The fact that supporters usually anticipate quid pro quo actions, guarantees and political influence will cause severe problems. Such expectations promote corruption and consequently destroy democracy. This means that anti-corruption laws cannot defeat corruption: Fighting the symptoms is ineffective and useless – and deliberately blows dust in the eyes of the population.

Governments can only maintain their sovereignty by eliminating their debts through insolvency or by using techniques to help them manage with less money. Certain circumstances call for both. Using reliable scientific knowledge and methods can save huge amounts of money. However, politicians usually prefer the traditional way of dealing with challenges: They initiate parliamentary decisions and delegate the resulting services to others (officials, employees, businesses, companies) who are paid for this job through tax money. Too many politicians do not seem to be aware of the fact that this strategy does not usually pay off, if private companies are involved. It often exceeds the estimated costs, and usually does not meet its intended purpose. Furthermore, it is extremely dangerous. This strategy fails through its core problem, rooted in the fact that there are different concepts of legal justice:

1. **Life protection laws:** The *natural law concept of justice* is based on beliefs and values that care for the *protection of life* and equally for the sustenance of ecological systems: Its greatest value is providing for essential living conditions. This concept follows the *rule of law* in the natural world, nature's law. As human beings are *natural* beings, i.e. mammals, this concept of justice can be applied to everything concerning human life. Consequently, in Great Britain, it is referred to as *common law*. *Common law* is mainly a *case law*, based on judges' decisions in courts corresponding to the standards of fair social interaction and communication between individuals. These social standards meet the requirements of the Conventions on Human Rights.

The concept of *natural law* was very important for the development of the English common law: In the struggles between the parliament and the monarchy, the parliament often referred to the *Fundamental Laws of England*. *Natural law* principles were defined as eternal and suited to limit the power of monarchy. Similarly, Thomas Jefferson wrote in his *A Summary View of the Rights of British America* (1774) that 'a free people [claim] their rights as derived from the *laws of nature*, and not as the gift of their chief magistrate.' We reencounter this position, where the *Fundamental Laws* (Grundrechte) in the *German Grundgesetz* are characterised as *defensive rights* against governmental abuse of power.

In Germany and France, where the living conditions have been quite different to the British Isles, we find very similar as well as completely different variants of *life protection law*. Even the *Law of the Jungle* – as *self-defensive right (law)* or as *war law* – could be defined as a kind of *life protection law*. The Oxford English Dictionary defines it as 'the code of survival in jungle life, now usually with reference to the superiority of brute force or self-interest in the struggle for survival.' Founded on the Romans' law tradition, *life protection law* usually is named *public law*. In other countries, the terms *state law*, *national law*, *constitutional law* and *administrative law* are used. Between different countries, these terms vary widely in meaning, according to the country's specific history and the traditional role of its official institutions in charge of protecting living conditions on their territory.

Life protection laws generally stem from objective living conditions. They should support and enable people to survive under difficult circumstances such as danger and threats to life caused by forces of nature, climatic conditions, accidents, enemies, poverty, hunger, diseases, etc. Thus, under unfavourable preconditions, life protection laws may leave little or even no choice to individuals' free will. Regarding such particular circumstances, Karl Marx pointed out: 'Freedom is the consciousness of necessity'. However, under favourable circumstances life protection laws should stimulate people to strive for best living standards. This is essentially what the *Conventions on Human Rights* intends. These laws should not only provide for the preservation of life but additionally increase liberty and the pursuit of happiness, according to the *United States Declaration of Independence* (1776). The function of the *human rights' law concept* is exactly the same as the function of the *rule of law* concept: The constitution of every state should guarantee a huge variety of chances to individuals, enabling them to find and do whatever is most appropriate for them as individuals, always taking the (equal) rights of others into account.

Consequently, in a given situation, supposedly appropriate human behaviour can only be defined in the framework of relevant circumstances. Thus, Great Britain's case law turns out to be the most appropriate law system for supporting the kind of justice that covers all needs.

2. **Negotiated agreements:** While objective natural conditions shape *life protection laws*, human beings invented *negotiated agreements* to regulate interpersonal cooperation in ways that seem to be satisfying: We arrange ways to deal with one another aiming for unity and call it *consent*. The roots of this behaviour are found in sympathy and romantic relationships, procreation, lasting partnerships, marriages, loyalty and devotion. With regard to this, the questionability of negotiated agreements becomes obvious. To what extent can they be regarded as reliable?

If such agreements are formulated and decided by political bodies (e.g. parliaments), as *legal acts*, they often are called *laws*. Most citizens will take for granted that official institutions have their best intentions in mind, similar to parents caring for their children. Governments encourage the impression that parliamentary acts are generally variants of life protection laws and should be understood as such. However, this is by no means always the case: Parliamentary acts, such as legislating, sometimes only favour the interests of parliamentarians, lobbies and commercial enterprises, at the cost and to the disadvantage of the general public.

If individuals (*private persons*), organisations or institutions (*legal persons or entities*) have negotiated agreements, they are often called *contracts or treaties*. In this case, at least two parties have to agree on something. Usually, each party expects a benefit, i.e. a win-win or a quid pro quo situation: 'I'll give you something and you'll give me something. We all believe that it is a fair deal and benefits all, so we'll agree.' These types of statements define what justice means in the framework of negotiated agreements.

These agreements are typical for business transactions, for corporate economic and domestic cooperation (EU, EFTA, COMECON, CETA, TTIP, TISA) and military alliances such as the Warsaw Pact and the NATO. They are fundamental to the so-called *commercial law*: They emphasise the liberty to sign contracts and alienate property. According to Roman law tradition, in some countries negotiated agreements are categorised as *private law or civil law*. Using the term *law or right* is problematic and even misleading if the consent is not in line with natural circumstances (*natural law*) and with the *categorical imperative*.

In allegedly *democratic states*, decisions are founded on parliamentary votes that lead to supposed *agreements or treaties*. Since about 1990, a tendency to treat parliamentary decisions as matters of *private or civil law* can be observed. This trend should be regarded as extremely dangerous: It promotes the position, that private or civil law is the only concept of law required. Hence, the assumption that the *rule of law*, including its essentials, the *constitutional law*, can be safely dumped seems evident: It is mocked and dismissed as an old-fashioned residue from pre-capitalistic ages.

Negotiated agreements only have a reliable *legal* basis if there is clear evidence (a guarantee) that all involved parties have lasting and fair benefits and equal shares. Jean-Jacques Rousseau (1712-1778) has contributed to this position by developing a special form of contract (treaty) with his famous book, *Contract Social* (1762). This book has been fundamental to modern *democratic constitutional law* as well as to the *rule of law*. Democratic constitutional law regulates the responsibilities of parliamentary bodies and their procedures in clear, transparent and controllable ways. – If regulations of this kind are made for private or civil corporations, the term *company law* is customary.

As negotiated agreements are mainly based on certain individuals' or institutions' speculative intentions and expectations (interests), they can easily turn out to be unrealistic. Therefore, after some time, or if the relevant circumstances have changed, they might prove to be useless if they are not respected and undermined. If unrealistic intentions and expectations have been declared as *laws* that have to be followed, regardless of the circumstances, and according to the command 'pacta sunt servanda' ('agreements must be kept'), the results are always disastrous.

It is a general acknowledged fact that contract negotiations and treaties should be examined very carefully to prevent consequences that threaten human lives and natural resources. This was a main topic in William Shakespeare's *The Merchant of Venice* (1600): This comedy is about a man who cannot pay his debts on time. Because of the treaty with the moneylender, he runs the risk of losing his life. Fortunately, he receives helpful legal support. In those days, many people lost their lives due to money problems. Some of them starved in prison. However, as staying alive and thus the option of paying back debts seemed to be a better solution, laws and rules were subsequently invented for cases of insolvency: Negotiated agreements (contracts) generally lose their liability if they do not support keeping the debtor alive and healthy. *Life protection laws*, *constitutional law* as well as the *rule of law*, should be regarded as indispensable legal properties. They have priority on any other kind of contract.

Therefore, the following should be considered: Negotiated agreements (treaties) can only be accepted as *legitimised legal acts* if they meet the necessities of life protection and follow natural law. Furthermore: Many traditionally negotiated agreements can be completely dismissed if cooperation is consistently in line with the *subsidiary principle*.

### **Negotiated agreements (treaties) have to meet the necessities of life protection**

Therefore, neither Greece nor any other country has any reason to fear insolvency: The law will protect peoples' lives. The idea that state insolvency will necessarily lead to the breakdown of a state or the death of its population is derived from a kind of logic that neglects the fundamentals of law and their functions.

All states should be regarded as artificial organisations, created by humankind and based on some kind of agreement. These agreements have been made in more or less conscious and explicit (formal) ways, as is also the case with founding families by procreating. Formally, they can be articulated in contracts consistent with *constitutional law*. The management of states, countries, commercial enterprises and other types of institutions such as shared accommodation, residential communities, villages, towns, schools, universities, clinics, religious communities, etc. can be organised in various other ways and flexibly altered according to current needs. These organisations are products of human creativity; they are neither human beings nor animals or other kinds of natural entities that have the natural right to live in their original shape or form. On the contrary, *natural entities* all over the world (including Greece) have rights, which include the preservation of life, liberty, and the pursuit of happiness, according to the *United States Declaration of Independence*. As organisations are obviously not organisms, it is essential to differentiate clearly between natural entities and *legal persons* or *legal personalities*.

If insolvency is practically inevitable for states to keep their sovereignty and to be able to live according to the *rule of law*, this way of dealing with financial problems should be open to all countries. All of them need a realistic chance to clear their debts. Of course, respective



moneylenders will lose much money through a state's decision to become insolvent. Banks and companies should be aware of the financial risk they are taking when loaning money and know the legal situation and corresponding government policies: Ruling authorities are responsible for providing general welfare and sustaining productivity (i.e. through public health) to the citizens within their own country, and if possible, elsewhere on the globe. They are not responsible for supporting banks and companies. Banks and companies have to take care of themselves. If representatives of such institutions more or less deliberately ignore the laws and regulations that are generally recognised and accepted, especially regarding constitutional law and the *rule of law*, it is their own mistake and risk. Subsequently, they will have to bear the consequences.

Thank God that human beings and nature are quite capable of living and developing their inner potential freely without having to depend on money, bank services or destructive forms of corporate competition. Some governments, banks and businesses have deliberately (mis-) used negotiated agreements to enhance artificially a situation in which it has become difficult for natural persons to survive without a certain amount of money permanently at their disposal. They have aimed to make their services indispensable by deliberately pushing this situation. This strategy of *supply side economics* (Thatcherism, Reaganomics) contradicts the *subsidiary principle*. Its initiators obviously did not perceive and realise that dependency goes both ways. It includes reciprocity and co-dependency: Creating dependency entails becoming dependent. Therefore, *underdogs never lose in the long run* and *losers never stay losers* are well-known facts and insights from marketing and management research. Former victims often become successful criminals. This phenomenon is a result of the essential laws of life. Not respecting or even ignoring these laws inevitably paves the way to hell.

Many politicians, bankers and corporate executives have contributed to the breakdown of human civilisation worldwide by using inadequate management strategies, consciously and unconsciously. Therefore, it will be a great relief for nature, if the current *rule of despotism*, applied by politicians, bankers and commercial enterprises is replaced by the *rule of law*. An important step is to stop all bank transactions that do not serve the people's needs as soon as possible: Banks should serve their customers. Nobody is responsible for bailing them out. No real loss will occur, if the banks and businesses that deliberately work against their customers' needs, and instead, service their investors' greed for profit shut down. Acting like this is directed against nature and life and has to be classified as *criminal*.

## **7. Progress results from trial and error: Learning from the mistakes we make**

The place humanity is currently at has been a long process of learning through trial and error, involving a great deal of success and failure. We must treat one other with much respect and forgive others and ourselves.

At this moment, we must leave many things behind. In his famous 'Ruck' ('Jolt') speech in 1997, the former German President Roman Herzog pointed out that all existing *acquis* must be examined. This does not only concern material things but also knowledge and skills. Instead of looking back in anger, we should rather look forward with confidence.

Fundamental, *natural laws for life protection* should be carefully considered to achieve sustainable success: (1.) The only thing that has actual and inherent value is being here and being able to take part in life. (2.) Real *value* lies in activities, efforts, dedication, work, recreation, knowledge, abilities and skills, gold, money, organisations, institutions, etc. only

so/as far as they support satisfying and nurturing human needs. *Value*, in general, is only *attributed* to actions or things with regard to something that someone needs, wants or desires in a given situation or moment: When you are hungry, food will be valuable; after an opulent meal, you will probably long for something else. So consider: If the situation changes, all corresponding values may also change. (3.) *Value* is neither a stable factor nor inherent to anything. It is a function, the result of contributions that have been made: If, for instance, a certain amount of money is disinvested, its intended positive value (benefit) could turn into a negative (destructive) one (damage, harm)!

In natural science, processes involving the protection of life are generally *outcome orientated*: Probable outcomes can be calculated with precision. On the other hand, following modern capitalist concepts supports the material wealth of certain people without being able to control their ways of using it. The actual benefits from economic transactions are much harder to calculate and less reliable than natural law methods, which are in line with consistent operational formulas. Blind trust in others might mean you are handing over your future and your chance for survival to *the rule of money*. In mythology, *ruling through money, dependency and despotic power* often has been associated with evil, demons (cruelty based on threats, fear, lack of certainty and clarity) and devils.

From now on, in all regions of the earth, the quality of life that can be achieved will totally exceed what we presently imagine. Whether it will lead to bliss or perdition depends on humanity's decision to accept or reject life, rendering to the *rule of law*.

The assertion, 'There is no alternative!', has always been doubtful, because *Homo sapiens* is endowed with a free will, which means we will always have a choice. This article was written to suggest practical and beneficial solutions to exit a confusing situation. Having faith in humankind to make the decisions based on reason, Roman Herzog ended his 'jerk' speech with the words: 'The best years are still to come.'

### **Author**

Ph.D. in education, psychology and psychiatry in 1978 at The University of Hamburg, Germany. To understand the human rights' concept and the *rule of law*, he has studied the work of spiritual masters such as Socrates, Buddha, Confucius, Laozi, King Salomon, Jesus of Nazareth. He is dedicated to the interreligious dialogues and debates about Political Theology and the Theology of Liberation. He teaches the fundamentals of law, constitutional and international law and problem-solving methods in many disciplines of natural science. As a psychotherapist, he supports people to cope with practical life challenges. In 2012, the author founded the Psychological Institute for Human Rights, Health and Development (IMGE). The institute produces and publishes media for teachers and students according to the guidelines of the World Teacher Trust (WTT) and UNESCO. He hopes that, through his efforts to make the basics of the art of living understandable to a broader public, he will contribute to the future of humanity.