

Liberty and Prosperity – The Puzzle Pieces to the Rule of Law

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The philosophy of the Foundation is the *safeguarding of liberty and nurturing of prosperity under the rule of law*. To be able to comprehend this philosophy, allow me to break down the statement.

Safeguarding of liberty

The common notion is, liberty is about being able to do just about anything, but that is not what liberty actually means. Liberty is the state of being free within society from oppressive restrictions imposed by authority on one's behaviour or political views¹. In simpler terms, it is being able to do what one wants in a community subject to reasonable limitations by the State.

In an ideal world, there is a balance between what an individual desires and what the State ought to regulate. There is an understanding. A clear line is drawn between the two sides. No conflicts arise. Each side has the prudence to objectively analyse what the other wants.

Sadly, the real world, as how it is now, is an entirely different spectrum. The free continuously ridicules governmental actions and the State constantly imposes its authoritative powers, even in democratic states. Take our history, for example. Since time immemorial, the Filipino people have always fought for their liberty, probably much harder than other civilizations colonized by foreigners. We have fought for so long to achieve the liberty we desire that sometimes we forget the limitations with which this freedom is conditioned upon. Until now, Filipinos are still crying out for liberty. The very reason for this is that the State does not usually heed the clamor of the people.

As the modern era is constantly embracing changes, ideals of the populace also change. Actions that were otherwise just mere ideologies a few decades ago are now being considered as norms. An example is the liberation of women. In the past, women were considered a second-rate class, only capable of doing house work and not even entitled to vote. The Philippines was even considered advance

¹"Liberty - Definition Of Liberty In English | Oxford Dictionaries". 2017. Oxford Dictionaries | English. <https://en.oxforddictionaries.com/definition/liberty>.

in terms of women rights' movement since women were allowed to vote as early as 1937. Now, feminism is a social norm.

Another example is the liberation of the lesbian, gay, bisexuals and transgender (LGBT) community. Once upon a time, they were closeted because society refused to accept the uniqueness that they offered to the world. Now, they are openly fighting for rights of their own and have opened the world to a different kind of norm.

The way I see it, this is a good thing. This is the very essence of liberty - the fight must never be stopped. Whatever desires the people think they deserve to get must be voiced out. The worst that could happen is that the State does not do anything about, but that is just it. Merely voicing out creates an impact on society, no matter the variation in perspectives. It would create a domino effect wherein people would start to think of new ideas and gradually accept them as norms.

If the people remain nonchalant and content with the state of things, liberty could very well be deprived of them, not in a sudden way, but in a gradual manner, the people not even aware of what is slowly being wrested from them. This could pose a danger to the guarantees of freedom which arise from a democratic state. The authority could just pose restrictions in the guise of a general welfare act or an exercise of its police power. Hence, there is the need to safeguard liberty.

Nurturing of prosperity

Prosperity is defined as the condition of being successful or thriving². It is economic well-being which is usually expressed in monetary terms. More often than not, prosperity is what defines success, especially in first-world countries. They are considered prosperous because of their financial status.

It is without question that states seek to be prosperous. In the modern times, prosperity means that the inhabitants of the state are not impoverished such that those receiving minimum wage are able to provide for a modest lifestyle for themselves and their family. It also means the availability and effectivity of the basic governmental services such as health and education. A prosperous state can well provide for the needs of the people without the latter having to shell out too

² "Definition Of PROSPERITY". 2017. Merriam-Webster.Com. https://www.merriam-webster.com/dictionary/prosperity?utm_campaign=sd&utm_medium=serp&utm_source=jsonld.

much funds from their own pockets. With these parameters, prosperity is more or less achieved.

To fast track prosperity in a certain state, as some would believe, it would require more control by those in authority. It would mean the strict regulation of business enterprises, the imposition of higher taxes, and the elimination of certain liberties that would otherwise hinder actions for development. There would be less regard for the individual and more for the greater welfare of the people. For instance, acts of the state that are prejudicial to a certain group of people, say an indigenous community, would be accepted as valid on account of such acts being for the benefit of more people. If this be put to action, more liberties - freedom of expression being on top of the list - of the people would be at a precipice.

In the past years, the Philippines has responded well to globalization. There has been an economic growth in the country which is evinced by the increase in foreign trade and investment. With the technological advancement, more jobs are being offered by telecommunication companies and BPOs.

However, it cannot be denied that the country still faces its major problem – poverty. More Filipinos seek for jobs abroad. Health care is unreasonably expensive. A daily wage earner does not have enough to support his family. Prices of basic commodities are high. People from provinces come to cities in the hopes of a better life. These are just some of the well-known problems that each Filipino faces each day.

The question now is how prosperity is achieved. If it is so easy, then there should not be any country at this time which is not prosperous. There should not be any third-world countries anymore.

Despite the developments we are experiencing, there is still much to do in order for our country to really achieve the kind of progress we need. Prosperity does not happen overnight; it would take years, decades even. It needs to be worked for and given much attention, not just by the State, but most especially by the people. Hence, there is the need to nurture prosperity.

The philosophy of liberty and prosperity under the rule of law

One might think that liberty, the entitlement to freedom, and prosperity, the control of freedom, are two pieces of two different puzzle sets, that both pieces are never meant to form just one puzzle. That is not the case. In fact, they are the very

pieces that would form the perfect puzzle. Although, though they are just two pieces, having to fit them together is a very complicated task as they have the most intricate cuts. It would need more than one person to put the puzzle together; it would need teamwork and planning.

Here are two seemingly conflicting philosophies that must be the guiding principle of the rule of law. One is the state of being free and one is the state of economic well-being. The former gives due regard for the people's individuality while the latter, for the people as a whole. Despite the supposed contradiction, the two philosophies can very well be harmonized under the rule of law.

The rule of law, as defined by the Department of Justice³, is “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.” It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency⁴. Rule of law is simply the principle of the State and the people in the conduct of its affairs.

I believe that the philosophies of liberty and prosperity are indispensable to the rule of law. A rule of law without either one would not be well-defined; it would not conform to the essentials of a democratic state, especially one that is developing in the modern time.

True prosperity is not determined merely in monetary terms. It is also determined by the liberation that is given to the people as the source of governmental power. The barrier between financial wealth and moral value is stricken down.

To illustrate, there are some countries that entitle their citizens to liberty, and yet fail to prosper economically. Also, there are those that are very financially well-off, but are lacking in entitling the people to their freedom.

³ "Philippines Development Forum". 2017. Republic Of The Philippines - Department Of Justice. <https://www.doj.gov.ph/philippine-development-forum.html>.

⁴ *Ibid.*

An example of a prosperous state is the People’s Republic of China. In the past few decades, China has indeed grown. It now has one of the largest economies in the world and is even known as a global superpower. However, there is a great price that the Chinese people have to pay for its economic growth, and that is the curtailment of some of their liberties. In an article by Charlie Campbell for the Time⁵, it was stated that the 2016 report of the U.S. Congressional-Executive Commission on China (CECC) noted “a broader corrosion of freedoms, encompassing a social and political reinforcement of the supremacy of the Chinese Communist Party (CCP) under Xi’s leadership, with deleterious consequences for civil society, media freedom, labor rights and judicial due process.”

As applied to China, there is a price to pay for an economic well-being, and that is the curtailment of liberty of the people. In an article by Dr. Anne Bradley⁶, she discussed the requirements of a free society, some of which are the well-defined and well-protected property rights, nimble prices, the ability to buy and sell according to our needs, and the rule of law. She discussed the migration problem in China. Parents leave their children in order to seek for greater pasture in large cities. As a result of their parents’ absence, several children in a remote province committed suicide. Dr. Bradley said in her article:

“In a Communist system, there is no notion of the individual. There can’t be — the individual seeks to serve the state and lives in a dismal moral abyss as a result. So when four children who lived in the most tragic of circumstances commit suicide, the response is finger-pointing by party leaders.

Transitioning from this type of system to one where individual life is protected and celebrated and where we can all thrive and flourish is a tough one. The biblical values of dignity, uniqueness in gifts, trading of gifts, and through that serving others and bringing about greater levels of flourishing – these are the keys to success”⁷.

The rule of law defines us as a nation. To achieve greatness, our rule of law must abide by the philosophies of liberty, for the individual, and prosperity, for the populace. Each one, not just the Congress, nor the President, nor the Supreme

⁵ Campbell, Charlie. 2016. "5 Ways China Is More Repressive Under President Xi Jinping". Time.Com. <http://time.com/4519160/china-xi-jinping-cecc-human-rights-rule-of-law/>.

⁶ Bradley, Anne. 2017. "The Price Of Prosperity In China". Institute For Faith, Work & Economics. <https://tifwe.org/the-price-of-prosperity-in-china/>.

⁷ *Ibid.*

Court, but each Filipino, must hold the scales even. When the scales start to tip in favor of the other, we must all be vigilant enough to hold it in place.

We need not revise our Constitution nor promulgate more laws to keep the balance of liberty and prosperity. What we need is empathy for the current issues the country is facing. What we need is due regard for what is right in our daily dealings with our fellowmen. What we need are people in public service who uphold justice, honesty and selflessness. A rule of law, no matter how liberty and prosperity is incorporated therein, is just a mere ideology if the people themselves do not act by it.

As a fourth year law student, I can promote the philosophies of liberty by not being apathetic to the happenings in our country. I can be bold enough to voice out what I think is right given the circumstances. I can tell my friends and acquaintances what it means to be free to express yourself, but promoting the circulation of factual and reliable sources of news. In the modern age, it is important for the young people to know that there are limitations to posting news and opinions on social media sites. Although they are given freedom to post anything they want, they must do so conscientiously given the audience that may be reached online.

I can promote the philosophy of prosperity. As soon as I finish my law studies and will be venturing into the world as part of the workforce of the nation, I intend to embrace a discipline of putting in hard work for a decent pay. Aiming for excellence in doing even the smallest bit of my job and striving to be a good influence for friends and workmates is the kind of work ethic I want to live with.

Being into legal studies, I earnestly desire that I will be blessed with the opportunity to go into government service. For me, it is the government that can offer the best venues for hard core legal work. It offers the opportunity to apply the philosophies of liberty and prosperity under the rule of law. I can go into investigation, trial work, corruption prevention or maybe environment protection. The work is unlimited and all-encompassing. It does seem overwhelming but truly inspiring. I believe this career path will be fulfilling for me knowing that I am doing something for the community. The cliché line law students usually say on their first day is that they want to make a difference. As I am now on my last year of law school, I intend to make a reality of this cliché and start making my difference now.