

Human dignity is inviolable!

Brandbrief* from a determined citizen

Dear Federal President, Mr Christian Wulff,
dear Chancellor, Dr Merkel,

dear Minister for Labour, Ms von der Leyen,
dear first Chairman of the Federal Labour Office, Dr F. J. Weise
dear Head of the Jobcentre Mitte, Berlin, Mr Schneider,

We are all citizens of a state which has produced a constitution that proclaims: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”

Likely, many see this declaration as a grain of sand long worn down by the pressure of events, buried beneath the almost incalculable layers of sediment subsequent political decisions and laws have created. Indeed, one is seen today as wet behind the ears, as a fantasist almost, when using it as a yardstick for judging contemporary political and economic developments.

But we cannot simply sidestep it. Exalted as a profound lesson from the terrible criminality of the Third Reich, secured as steadfast determination and duty to be *unconditionally* upheld, it is the very foundation stone of our republic.

This bears repeating: *the foundation stone of our republic*. Historians will look back at our Federal Republic and say:

“Neither king nor emperor as a thousand years ago, nor dictator as of later times, should give the Federal Republic of Germany her inner grounding and justification. Rather, it should arise from the common will of the people and its judiciary, both tasked with respecting and protecting human dignity.”

And of course these historians will measure the rise, development and perhaps collapse of this republic by this very ideal, the ideal set down by the Federal Republic itself.

(II)

Dear Federal President, Mr Christian Wulff,
dear Chancellor, Dr Merkel,
dear Minister for Labour, Ms von der Leyen,
dear Dr Weise,
dear Mr Schneider,

I write openly to you to *draw my own conclusions* on a grievance which has presided over our land for years: Our constitution is the foundation of our republic, and yet a manner of treating its citizens has arisen which *does not in any way* reflect that constitution. I speak of Hartz IV!

At first glance, Hartz IV is nothing other than a well-meaning attempt by the state to help those who have fallen out of employment both to survive and to find their way back into work. The attempt is commendable and in full keeping with the constitution. One could just leave these people on the streets.

No less commendable – and at first glance understandable – is the goal of providing just enough support – not too much, not too little – to foster self-help, in keeping with therapeutic principles. And it arouses deep respect in an observer to see the amounts of money dedicated not only to ensuring a basic standard of living for the unemployed, but also to financially assisting them with “activation”

and “re-qualification measures”.

But no matter how titanic the efforts, they can only deliver disappointing results: Today, the very attempt to foster self-help is wrong *at its base*. The problem we face does not arise primarily from the unemployed, but rather from the changed circumstances of production.

In the 1970s, perhaps even in the early 1980s, the sources of the problem of unemployment may well have been different. They were more likely to be found in the individual, since in the old Federal Republic, employees were sought desperately in all work areas.

Had we, *at that time*, given the unemployed the opportunity to change or advance their careers, as we offer them today, they would have been helped by such support to get involved in life again, instead of merely stagnating in that stable welfare system. It is likely these measures would have delivered much. At that time, the step up out of unemployment would have been into a vibrant, meaningful — *and as a rule, well paid (!)* — working life.

(III)

How different it is today! The employment market is more than saturated. Today’s unemployed are not generally problem cases, on the edge of life because *they themselves* are somehow faulty and in need of repair. The great majority of them are unemployed due to the mighty productivity of machines. The shelves are bursting with a great variety of goods, in amounts beyond anything humanity has hitherto witnessed, *without* the need of human labour: *that* is the problem.

We are reacting *to earlier times*, treating yesterday’s sickness (which we didn’t even treat yesterday), while not yet seeing *today’s*. Like a doctor convinced a patient has a lung disease, whereas in fact there is insufficient air, we treat the unemployed with instruments long outdated, and through their misuse turn them *into instruments of torture*.

(IV)

It is not *the people* who need treatment, rather it is the *conditions which need to be updated*. With all effort focused on automating work to free people from labour — and with industry and commerce pursuing precisely this goal, not only in their manufacturing procedures but also with products they deliver to the customer, thereby long embodying the very antithesis of the full-time employment doctrine currently propagated by politics — people must receive an income which allows them to be *independent* of the so-called labour market, granting them freedom not in the destitution of “unemployment”, but in *true liberation*.

A guaranteed income would be one solution to this problem, an income for each and everyone, working and non-working citizens alike, granting all of us the gift of freedom, not only to shape our own lives, but to use *our own initiative* independent of any economic rationalisation.

As a consequence of economic rationalisation, the need for a guaranteed income has arisen everywhere — not just in Germany, but all over the world. The fears that go hand in hand with such a proposal have been variously dealt with[1], the advantages for humanity, commerce and cultural development have been laid out in great detail, and ideas for its implementation have been put forward by numerous advocates.

But instead of considering such a solution to the problem, we brutally shove the unemployed back into a labour market that has long ago rejected them, because it has long since ceased to need them. We give them no time to reflect, punish their healthy indignation at being driven from one dead-end to another — and are then amazed to find spreading throughout the worlds of the unemployed and the artificially created and constantly swelling low-income sector, structural and human circumstances which beggar belief.

(V)

Human dignity is inviolable? As a consequence of structural malpractice, a very different reality from the one guaranteed in our constitution has reared its head in our community.

First and foremost, “human dignity” itself needs to be addressed. It is no secret, that once attempts at reinvigorating self-help have failed on all levels, most employment and retraining measures offered by Hartz IV have the purpose of *monitoring* the unemployed! Provided with a grossly inadequate income[2], yet healthy and capable of work, the temptation to turn to the black market is strong.

To prevent them from thus dragging the remaining workforce into unemployment and draining the state of its income, people must be given *factitious employment*. And not just *factitious*, but *pointless*, because the work assigned to them may not undermine what is left of the labour market.

(VI)

Employing people with *pointless* work is an abrogation of human dignity — and to threaten people with hunger and homelessness, should they disobey this order to do what is pointless, yet more so.

To put it bluntly, we have in Hartz IV the first army of slaves in world history forced to perform *pointless* work. [3] And in the punishments of hunger and homelessness we have a means of discipline which turns every seemingly justifiable emergency measure of the state into a life-threatening form of coercion. [4]

I would like to name only those paragraphs which are invalidated by the current code of practice:

- Article 1 of the constitution: (“Human dignity is inviolable”) [5]
 - Article 2: (The individual’s right to free development) [6]
 - Article 11: (Freedom of movement throughout the entire federal territory) [7]
 - Article 12: (Free choice of profession / prohibition of forced labour) [8]
 - Article 13: (Inviolability of the home) [9]
- and furthermore
- Article 6: (Security of the family) [10]

Not “invalidated”, but simply ignored, is

- Article 19: (“The law of citation”), which requires, that for any regulation deviating from the constitution, the relevant article of the constitution shall be *named* and the deviation *justified*, without ever violating the essence of any basic law. [11] Disregarding this article alone renders large parts of the SGB II, in particular the measures of sanctions contained therein (§ 31), *invalid*.

Which means that more than a third of the 19 human rights articles are thereby invalidated! And the tone in which large sections of the press and politics speak of persons receiving Hartz IV is an integral part of this systematic violation of human rights. In publicly propagating the image of an unkempt [12], unreliable and lazy subject, one that can only be motivated and manipulated with sanctions, in claiming that: “the increase in Hartz IV gave the tobacco and drinks industry a jump-start” [13], and further, that those on Hartz IV ought not to be given money for their children, as this would only be misspent [14], we merely describe the dark-side of those conditions we ourselves have brought into social existence through the debasing Hartz IV system. When applied to real people who are on Hartz IV, these are acts of *incitement* [15] and should be punished *by the state (!)*.

(VII)

We live in a time of revolution, flaring up worldwide. Even in Germany, the situation is now so tense, that we live in fear of sparking revolt by merely standing up for the human rights guaranteed by the

constitution; by simply re-invoking, in the most natural way, a right that is ours inherently, even if it weren't already anchored in the constitution.

This reasoning can be used as grounds for eschewing such human rights' claims. But neglecting them means injustice continues to flourish.

I am therefore resolved to the following *course of action*:

From today, I openly resist every imposition on me by the state to accept any work I consider meaningless, and refuse to obey any absurd rule presented to me by any governmental agency. I reject too the fixation with "gainful employment", long since proven illusory by reality.

I demand an unconditional right to a free, self-determined life, which I shall dedicate to any activity I myself decide is meaningful, not one exogenously prescribed for me — even if I am forced by economic and political realities to claim Hartz IV support.

I hold sacred *all* work which springs from the earnest inner concern of a person

- regardless of whether it is performed externally or internally
- and regardless of whether or not it is "gainful"!

A community which only values gainful employment *digs its own grave*, since it ignores the *far more primordial* and *meaningful* (!) *spiritual* and *intellectual* impulses to work, and regards a mother's worry about the upbringing of her children, or the loving care given to a needy friend or family member, as less important than the production and sales of toilet paper and wine gums! [16]

I cannot imagine that Germany wants to keep treading a path that negates hard-won human rights, making fear of sanctions, ignoble labour and total control of a socialist state the order of the day for millions of people — and therefore call for

- the deletion of all paragraphs in the Code of Social Law II that oppose social freedom and individual human rights, above all paragraphs 2, 31 and 32, as well as paragraph 36 a, SGB XII
- the reinstatement of the unconditional validity of Articles **1, 2, 6, 11, 12, 13** and **19** of the constitution.

Of course I fully anticipate sanctions, as it is almost impossible, with SGBII, to react to this statement of intent in any other way.

Should I receive sanctions, the path of legal action for the *reinstatement of basic rights* via the Federal Constitutional Court in Karlsruhe will lie open to me. The question will be, whether a person in Germany has an *unconditional right to exist*, or if he/she has to first *earn* a humane life through forced obedience, forced labour and base low-income work. The action will further ask whether *the state* may dictate what it is that gives sense to the life of the individual citizen, or whether that decision shouldn't be left to *each and every individual*, as the right to govern over oneself cannot be guaranteed in any other way.

Should I not receive sanctions, the case becomes a precedent: freedom from sanctions shall then apply *to all*!

Dear addressees — I can imagine how great the questions and how high the hurdles must be to rethink and reroute all of society. And so I will not end this letter without first assuring you of my full support, and that of the assistance of a great number of friends and experts (social scientists, lawyers and economists, entrepreneurs, managers, bankers, state officials, philosophers, politicians, clergymen, artists, trade unionists, those affected by Hartz IV, etc.) who are connected to me. We have put forward *the first solutions* [17], so what counts now above all else is, *that these are taken up and acted upon*.

Now it's your turn!

Yours sincerely,

Ralph Boes
Berlin, June 2011

[1] E.g., doubts about how financeable a basic guaranteed income (BGI) is: regardless of what its opponents claim, a BGI is financeable. Good and *appropriate* therapy is always more cost-effective than bad and *inappropriate* therapy.

[2] Even Heinrich Alt, a member of the board of the German Federal Labour Market Authority, has recently admitted that the level of Hartz IV is degrading.

<http://www.spiegel.de/wirtschaft/soziales/0,1518,759797,00.html>

[3] In Hartz IV, we don't just have history's first army of slaves forced to perform *meaningless* work – but also one which costs the slave owners money.

[4] The threat of hunger and homelessness (cf. § 31 SGB II) is graver than the threat of prison: prison can be survived with more dignity – unless one is tortured there.

[5] *Art. 1 GG (1): Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.*

[6] *Art. 2 GG (1): Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.*

[7] *Art. 11 GG (1): All Germans shall have the right to move freely throughout the federal territory. This sentence is however qualified: (2) This right may be restricted only by or pursuant to a law, and only in cases in which the absence of adequate means of support would result in a particular burden for the community [...]* If, as per sentence (2), no particular burden for the community arises, then a person's basic right of freedom of movement should not be allowed to be limited! With a BGI, however, everyone would have sufficient basic funding, and the passage could be completely expunged.

[8] *Art. 12 GG (1): All Germans shall have the right freely to choose their occupation or profession, their place of work and their place of training. [...]* (2) *No person may be required to perform work of a particular kind except within the framework of a traditional duty of community service that applies generally and equally to all.* Wiki's definition of forced labour runs as follows: *a generic or collective term for those work relations, especially in modern or early modern history, in which people are employed against their will by the threat of destitution, detention, violence (including death), lawful compulsion, or other extreme hardship to themselves or to members of their families.* Since a refusal to accept an offer of work, or training, or meaningless occupation from the Jobcentre is sanctioned with the curtailing of unemployment benefit (eventually to zero), in most cases we are dealing with forced labour.

[9] The inviolability of the home is today systematically disregarded by the Jobcentre. Unannounced checks and sanctions if one does not cooperate unconditionally are common practice in Hartz IV.

[10] *Art. 6 GG (1): Marriage and the family shall enjoy the special protection of the state. [...]* (4) *Every mother shall be entitled to the protection and care of the community.* I mention this article, because the natural helpfulness of families in the context of underprivileged communities ("Bedarfsgemeinschaften") within Hartz IV is neither protected nor encouraged, but rather twisted into *enforced neediness*, and on the part of the state *exploited* through massive curtailment of welfare. Families are driven into existential need, which often breaks them apart. Even family work is not supported, but sanctioned. Such work is considered voluntary and is thus forbidden those on Hartz IV. If *one* family member is sanctioned, the loss of income affects the *entire* family, which means it is nothing other than "*kin liability*" (Sippenhaft). Children are taken from families driven into need, instead of supporting the family. Moreover, child support and alimony are accepted at wholly insufficient levels and deducted from the parents' income.

[11] *Art. 19 GG (1): Insofar as, under this Basic Law, a basic right may be restricted by or pursuant to a law, such law must apply generally and not merely as a single case. In addition, the law must specify the basic right affected and the Article in which it appears. (2) In no case may the essence of a basic right be affected.*

[12] Kurt Beck: “If they washed and shaved, they’d find a job...”

[13] Thus spoke Philipp Missfelder, Chairman of the CDU/CSU growth organisation, *Junge Union*, in February 2009.

[14] The entire body of law proceeds from this notion. Frank Steffel (CDU), MdB, even suggests that parents who have not applied for the “Education Voucher” (Bildungsgutschein) should be sanctioned. <http://www.welt.de/politik/deutschland/article13226288/Bildungsgutscheine-lassen-sich-nicht-versaufen.html>

[15] § 130 sec. 1 of the StGB (German criminal code) defines the corpus delicti of incitement to hatred as follows: *Whosoever, in a manner capable of disturbing the public peace 1. incites hatred against segments of the population or calls for violent or arbitrary measures against them; or 2. assaults the human dignity of others by insulting, maliciously maligning, or defaming segments of the population, shall be liable to imprisonment from three months to five years.* [*The official English translation of the code differs from the original German, which includes in section 1 references to religious, racial and national segments of the population.* – Translator]

[16] *Both* are important: the *immediate* socioeconomic significance of work (i.e. the production and sale of toilet paper and wine gums), which can therefore be immediately paid for – and the *intermediate* socioeconomic significance of work (e.g. all forms of family work, neighbourly work, voluntary community work, cultural work, but also education, university study, psychotherapy), whose healthy effects often only later, and via various detours, benefit the people. *The latter* represents the basis of the well-being of, as well as the entire societal and cultural development of a people. To outlaw it, to deny it to those laid off, as in Hartz IV, *is stupidity!* Through commitment arising from the heart, in which such work is carried out, and from which valuable competence develops, intermediate socioeconomic work should be seen as *doubly valuable!* Whosoever does not encourage such work, and instead forces people into artificial roles and undignified low-pay jobs – even the currently emerging “citizen’s work” (Bürgerarbeit) is nothing else – should apply for blind person’s aid and not for the role of Minister for Labour.

[17] E.g. through a BGI the entire problem-complex can be dealt with from one area.

*(Translator’s note) The German word “Brandbrief” cannot be directly translated, since it has no English counterpart. Literally, it means “letter of fire” or “blazing letter”. In practice, it is an open letter of passion and anger. I hope my translation of this Brandbrief explains the term far better than a translator’s note ever could!