36

Consent is Freedom Party's journal of ideas and opinions about the proper governance of human beings.



Consent



FREEDOM ESSENTIALS

by Paul McKeever

(Part 1) Finding Philosophy: A Personal Account

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I grew up in, Oshawa, Ontario, in a pretty mainstream practising Catholic family. We attended church every Sunday. There, I fidgeted while the priest would lead everyone in the same prayers, week after week. He would also deliver a homily telling us how some parable or another related to life in the then 1960's, 70's, or early 80's.

As a good Catholic, distinguishing good and evil did not require much independent reasoning at all. One needed only to trust that Father Bloggs was telling you the truth. And why doubt it? He was our wise and trustworthy "father" after all, wasn't he?

Nobody ever claimed that the existence of God or his laws could be proven with physical evidence subjected to a rigorous process of logical thought. To the contrary, we were told to believe in God and to obey his laws as a matter of *faith*. It was wrong to need or want physical evidence of God's existence or of the truth of his words. As Jesus had said to the doubting Thomas: "blessed are they that have not seen, and yet have believed." I was told, and I believed, that expecting evidence was something that lowered one in the eyes of the Lord, and to doubt - to desire evidence - was shameful, not to mention scary, as it might compromise one's ability to join God in Heaven.

I had had lots of practice believing things I had been told by parental figures without ever seeing any evidence. I never had any physical evidence that Santa or the Easter Bunny had stepped foot in my house but, for several years of my childhood, I was told by my parents - and, therefore, was convinced - that both had done so. Wasn't it evidence enough that there were presents under the tree on Christmas morning, and candy eggs hidden around the house on Easter? In the exact same manner - but with much higher stakes - I believed in God and his laws as a matter of faith, trying never to doubt or even look for evidence. Besides, just as someone had to make presents appear under the tree at Christmas, someone had to have brought this earth into existence and, whoever that was, he had a lot more power and knowledge than me.

Besides, not having to burden myself with questioning the correctness of God's laws, being good seemed pretty basic. In practice, it pretty

much boiled down to: don't steal or swear or fight or have pre-marital sex; give up something for Lent (typically candy); give to those in need; help those in distress; and confess your sins to a priest every once in a while so that, if you die, you die in a state of grace (the ticket to a life of effortless bliss in Heaven). Put another way: obey the laws that the priest told you God had dictated, and you'd go to Heaven after you died. Succumb to the temptation to violate God's laws and, when you died, you'd either go straight to Hell (if you died before getting forgiveness for a mortal sin, like murder, or not attending church at least once per year), or spend some time in Purgatory, waiting for the living to pray for your forgiveness so that you could enter the Pearly Gates.

As a child, complying with that system seemed to work out for me. I felt I was doing a good job of being morally good, so I had an inner feeling of pride.

Living with my parents, everything I needed - food, clothes, shelter, etc. - was being handed to me without having to expend any real mental or physical effort specifically to earn those things. As a result, I was content. When I was 17, I started lifeguarding and teaching swimming, but the money I earned was not needed for my survival: it was mostly just pocket money that I used to buy guitar equipment, go to the movies, et cetera. In truth, I was living in a state of largely effortless existence. Why, one might even think of such a minor's existence as a sort of Heaven on earth.

Being young, cared-for, and for the most part effortlessly content, I had no reason to contemplate individual freedom or politics in general. In all likelihood, I also had little interest in such things because my primary goal was eternal effortless bliss in Heaven after my death, whether or not I would experience happiness during my relatively short life on earth

My desire to be a good person morally, and to be rewarded for it, would never change, but my religious beliefs and my lack of interest in individual freedom would indeed change starting in 1985. That year, I left my home in Oshawa, Ontario to attend university.

With consent, freedom.

Gods and Divine Laws: the Arbitrary

I never much liked going to church. Living alone at Trent University in Peterborough, Ontario freed me from that parent-imposed obligation.

Perhaps for the first time, I was having discussions with people from all over the globe or who at least knew about people from different parts of the globe - about how there were all of these different religions, with their own god or gods. On occasion, we would discuss or hear about how several of these religions - like my own Catholicism - considered nonmembers to be misguided and to be excluded from the possibility of life in Heaven. The members of these other religions believed in their gods and their divine law books every bit as much as I did, as a matter of faith; without needing or wanting evidence. I began to ask why I should believe in my god and his alleged laws any more than in any other god or set of laws (some would say it was about time, but I'd been rather sheltered from differing beliefs until my late teens, having rarely gone beyond the mostly-Catholic circle of friends who lived in the few blocks near my family's house).

The Soul is Just the Brain and the Mind?

That said, I studied little at university that related to god or religion. My major areas of

study were psychology and computer science.

By third year, a course in "Human Information Processing", together with a documentary I had seen about the prospects for intelligent robots, left me fascinated by artificial intelligence and robotics. That fascination led me, in the summer of 1988, to the independent study of Parallel Distributed Processing (also known as "connectionism" or the study of "neural nets").

Connectionism involves making computer models of clusters of interacting "nodes", connected by "links", and studying the behaviour of those models. Then, and to this day, much of the related psychological and computer science literature spoke of these models as models of how the brain's neurons communicate and produce perceptual information or cognitive conclusions.

Like the many scientists and philosophers of mind whose papers I had read, I started to think of the mind as a computer that ceases to work when ones body dies, rather than as a ghostly soul temporarily residing in a human husk until its death. Abandoning the idea of a soul that goes to Heaven was a bit difficult though. I'd had 20 or more years of morality rooted in the belief that life on earth was an entrance exam for eternal residency in Heaven, and that belief came with an entire set of emotional reactions to things. I was deeply invested in an afterlife. If human beings were

just life forms with really advanced computers for brains, then this life was the only life one got. That thought made me uneasy.

The Death of God and His Laws

Having researched and written a successful Honors thesis involving neural network computing (concerning abstract versus concrete words), I was accepted to the Master of Arts program at the Psychology department of the University of Western Ontario. Beginning in 1989, I studied cognitive science with a highly respected and well-known philosopher/engineer/psychologist, Dr. Zenon Pylyshyn. The focus of my research: how (and how well) we select, and continue to track the location of, a certain subset of the moving objects we see in a visual scene; the nexus of perception and cognition. The experiments were based upon Pylyshyn's philosophically-driven assertion that, before we can know something about "that" object, we need a way to refer to "that" object, as opposed to other objects. It might seem to most that I was studying an unimportant issue. In fact, at the time, I had no idea how significant my research was, and how relevant it is to the philosophy that now guides my life. I would not discover that relevance until years after I had left graduate school.

Meanwhile, in graduate school, I was really in my element, intellectually. I was attending lectures, and studying books and articles that often dealt directly with the prospect of an artificially intelligent robot.

I remember, in particular, being impressed and excited by a lecture delivered by Hans Moravec, an expert in artificial intelligence and a futurist (a former University of Western Ontario graduate, he is currently an adjunct professor at Carnegie Mellon University). He told a futuristic story in which one suffers damage to a part of the brain, but is able to recover after binding silicon-based technology to the damaged area. The technology ends up improving the mental abilities of the patient, and that person gradually removes brain tissue voluntarily, replacing it bit by bit with silicon technology until, eventually, the entire carbon-based brain has been replaced with a silicon one. Similar decisions are made to replace arms with robot arms, legs with robot legs, and so on, until the person - though having the same memories etc. - has abandoned all of the organic matter with which he was implemented, leaving a faster-thinking,



stronger, more easily repairable, potentially immortal being. But one would still feel like the same person, even though, clearly, everything thought by ones silicon brain replacements would be thought using technology that was entirely man-made. To be the same person, no divinely-created, elusive, ghostlike soul was required.

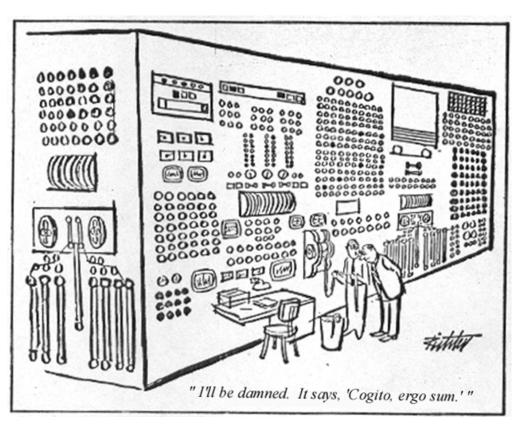
However, discourse about robots and artificial intelligence was not the only thing affecting my beliefs. I also took a course by the late Richard Harshman, a brilliant mathematician in Western's psychology department. Harshman's course was one concerning ways of arriving at beliefs. One such way, he explained, was "appeal to authority": believing because someone - someone who is thought to be more trustworthy or knowledgeable than one-self - has asserted that one should believe. A scientist, he explained, was not to base ones beliefs on merely trusting what others said, or were alleged to have said.

At some point - probably shortly after the Moravec lecture and Harshman's course, my belief in a god and a supernatural soul were finally put to rest. As I saw it, Harshman had rightly condemned beliefs founded on faith. Moravec had excited me with the idea that a brain is just a computer whose hardware implementation is meat instead of silicon. Humans, I was convinced, were the happy beneficiaries of a course of animal evolution that gave us the unique abilities to think with abstract concepts and principles, and to act upon them. However, the ability to think and act did not need to be implemented with meat and bones. What could be implemented with such organic tissue could alternatively be implemented with silicon and metal. Man simply needed to continue making the necessary technological discoveries to achieve such an implementation.

The effect of those exciting intellectual developments would change my life forever. My belief in God - anyone's god - initially had sustained serious injuries resulting from my inability - and everyone else's inability - to provide physical evidence and rational arguments for the existence of a God. Morevec's lecture and Harshman's course probably dealt death blows to my belief in God.

Skepticism, Subjectivism & Majority Rule

I do not remember exactly when I ceased to believe in God, though I do remember the



almost immediate implications of his death. In about 1992, I sat down to lunch with a fellow Ph.D. student. She too had been raised a Catholic, though she remained such (or, at least, that was my impression). Delighted with myself at having finally become comfortable with the idea that there is no God, I felt I had come to a realization that believers so far had not: because there is no divine God to reward or punish behaviour, and because human beings are the true authors of all alleged gods' commandments, all rules of right and wrong are just man-made, and every bit as arbitrary as the wide-spread belief in God. Even murder, I opined to my poor lunch companion, was only regarded to be morally wrong because most people believed or wanted it to be morally wrong. Were the majority simply to change their minds about murder being morally wrong, there would be no sense in which murder was morally wrong.

I had become a moral relativist; a moral subjectivist. Looking back, the root of my moral relativism was this: although I saw clearly that physical facts could be proven with logical arguments founded upon physical evidence, I saw no way in which physical evidence related to questions of the rightness or wrongness of choices. The evidence of the senses validated a claim that John has a steak on his plate. However, the evidence of the senses could not - thought I - provide one with non-arbitrary knowledge about whether it was right or wrong to *take* John's steak.

I came to believe that those who believed there to be a non-arbitrary system of right and wrong, or good and evil, are simply deluding themselves. As I saw it, such moral absolutists all were believers in God, and they were simply uncomfortable - as I had been - with the idea of thinking that there is no afterlife. I thought that, unlike the new me, they were terrified of even thinking it possible that this life is all you get, and that if it doesn't work out for you in this life, there is no do-over.

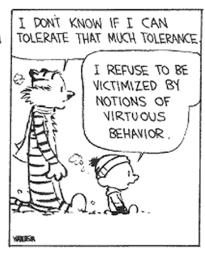
I had become a bit more interested in politics while at Trent, though I then could hardly be called a political animal. Being a bit older in graduate school, and a newly-minted moral relativist, my interest in politics increased. Unfortunately, the implications of my newfound moral relativism upon my political views were - by my standards today - frightening. If all of morality was subjective, I figured at the time, all political views and laws were likewise simply social conventions determined by consensus or majority rule. Somehow - possibly owing to the fact that I still was not very well versed in politics - the limitless and





BUT AS WE ALL KNOW, VALUES ARE RELATIVE. EVERY SYSTEM OF BELIEF IS EQUALLY VALID AND WE NEED TO TOLERATE DIVERSITY. VIRTUE ISN'T "BETTER" THAN VICE. IT'S JUST DIFFERENT.





horrifying possibilities of majority rule did not occur to me at the time.

Grasping at Straws: the Golden Rule

My comfort with the idea that there is no god, and that this life is all you get, gave me the same inner pride that I had held when, as a child, I had felt so sure of myself about the existence of God and my prospects for entering Heaven. However, the implication I had drawn from the absence of God - that morality is man-made and arbitrary - left me uneasy and uncertain about the code of ethics I continued to live by. I continued to be honest, peaceful, hard-working, and productive, and I continued to extend goodwill to a fellow human being in accidental distress. "How", I eventually asked myself, "can it not be absolutely wrong to murder?" Moral subjectivism just didn't feel correct. Worse: it felt kind of creepy. There was a disconnect between my intellectual acceptance of moral relativism, and my emotional reaction to it.

If memory serves, I quickly fell back on the Golden Rule. "Do unto others as you would have them do unto you" still made sense to me, because at least it was not hypocritical. In that sense, it felt less arbitrary and chaotic; less evil.

I proceeded to use the Golden Rule as my rationale for considering such things as theft and murder to be wrong. But I still had a nagging feeling that I was missing something. Lacking a god or religion, I had nothing upon which to justify my advocacy of the Golden Rule. Why was it absolutely right to do unto others as you would have them do unto you? Was not the Golden Rule simply a rule that

most people simply chose to support, without evidence that it was right in some absolute sense, independently of peoples' subjective opinions? I could see no absolute truths that necessarily implied that I should govern my actions according to the Golden Rule. As such, though I remained a person who did not engage in anything that, even today, I'd consider morally wrong, I remained, uncomfortably, a moral subjectivist. I say "uncomfortably", because my reliance upon the Golden Rule was every bit as arbitrary as my former belief in god and his divine laws.

Leaving the Cesspool

In the early 1990s, North America was in the grip of "affirmative action" laws and policies that essentially divided prospective employees into two categories: "white" male, and everyone else. Affirmative action required universities to bias their hiring in favour of anyone who is not a white male, until some hypothetical and unspecified time at which the percentages of people belonging to certain man-made clusters of phenotypical features (e.g., skin tones and/or places of birth and/or sex and/or sexual orientation and/or physical abilities and/or mental abilities, etc.) was the same in the work place as it was in society as a whole. For example, if 5% of the population were female and "black", then "black" females were to be given preferential treatment for hiring and promotional purposes until 5% of the workplace's workers, managers, executives, etc. were "black" women.

In Ontario, Bob Rae's New Democratic Party spearheaded that genetic collectivism. Having won the Ontario provincial election in 1990 with a majority, Rae's somewhat radical

NDP government went full steam ahead with the mandating of racial and sexual hiring quotas in Ontario, together with a host of other social engineering and wealth redistribution measures. Although the first vote I ever cast was an uninformed vote for federal NDP leader Ed Broadbent in 1984 (voting NDP was just the thing the son of an auto worker did in Ontario's motor city back in the 80s), Rae's provincial NDP was declaring war on me because of my genetic make-up.

The effect of affirmative action in Ontario universities was ugly. Cries against the alleged "glass ceiling" in the free job market soon were replaced with a cackle of glee ... about newly government-imposed discrimination against "white" males in the realm of hiring, promotion, demotion, and dismissal. Radical feminist graduate students who were at least civil during the day - once they got a few drinks into them at a professor's party would zealously declare with wild eyes and nasty grins: "You white men have been discriminating against everyone else for centuries, so I'm glad that now it's woman's time, and if that means you're now the one being discriminated against, well too bad!". It was bewildering. I'd never been an employer or slave master. Prior to my years in university, all I had been doing was experimenting with bugs, riding my bicycle, dressing up for Halloween, and playing Risk with dad and sis'. Now I was being treated as though I had been spending my time burning crosses or denying women the vote. I was openly hated by these people not because of what I believed or did. but because of my genes.

Grouping people according to their genes - giving different genetic pools of people different privileges imposed by law - gave all other

genetic pools an effortless advantage over the state-imposed, state-defined "white" male pool; it gave all other genetic pools something for nothing; preferential treatment not earned by thoughts and actions, but simply conferred for having been conceived by parents having the preferred phenotypes. Little wonder then that affirmative action found so many supporters, given that the "white" men whom it targeted for dismissal, demotion, and exclusion were a minority of the human beings living in Ontario.

The desire for an unearned preferred hiring and promotional status - the desire to have something for nothing - motivated the proponents of affirmative action to rationalize what they, on some level, had to know to be an unjust treatment of "white" men. The principle method for rationalizing ones support of affirmative action was emotional: hatred. Hating "white" men helped the proponents of affirmative action to convince themselves that the genetic discrimination of affirmative action was actually an act of justice against a wrongdoer. Surely everyone knew that wrongdoers are those who are rightly despised so - putting the emotional cart in front of the thinking horse - if one simply hated "white" men, one could more easily conclude that "white" men must be wrongdoers: "I hate them, so they must be wrongdoers". Discriminating against people one hates by virtue of their genetic makeup could then easily be considered an act of remedial justice. Just as hate has served to help people see as justice the injustice of genetic discrimination in countless other countries at various times in history, hate served to help the proponents of affirmative action believe that they were simply righting the wrongs of a "white" male genetic collective that was systematically discriminatory and collectively guilty. Hatred, in short, allowed one to advocate injustice while burying ones guilt about doing so and about benefitting from the injustice.

Moreover, if more people hated "white" men, one could more easily convince oneself that ones hatred was not misplaced: surely so many people could not be wrong about their hatred for white men. Unsurprisingly, the desire for a broader consensus of hatred motivated many to engage in hate mongering of that man-made genetic class, the "white"

One particularly high-profile and lingering example of that followed the December 1989 shooting murder of 14 women at Montreal's

École Polytechnique by Gamil Garbi (a.k.a., "Marc Lepine"). Lepine, as the media prefers to call him, was reportedly the son of a wifebeating, non-practicing Muslim father (something a newspaper reader would never guess

from reading that the murderer had a French Catholic sounding last name like Lepine). However, following the murders, feminists leapt at the opportunity to characterize Garbi's murders as nothing less and nothing more than the physical expres-

sion of emotions that *all* men harbour against women, secretly or subconsciously.

A "white ribbon campaign" was launched to promote the wearing of white ribbons on the anniversaries of Garbi's massacre. The purported reason for wearing the white ribbon was to express opposition to violence against women. However, only males were to wear the ribbons. Men were to expect to concede - by voluntarily identifying themselves with a white ribbon - that they belong to a collective (and to a political class) defined by their genetic make-up; a class that is, therefore, separate from the class of women. The subtext of the entire effort was - and continues to this day to be - the idea that each and every individual human being belongs to one or more genetic collectives that each constitute a political class; that the members of a genetic collective tend all to think similarly (though possibly differently from the members of other genetic collectives); that they have the same biases and prejudices; and that the sins of one member of a collective is a sin of the entire collective, for which every individual in the collective must - as a member of the corresponding political class - accept personal responsibility. Wearing the white ribbon would give the proponents of affirmative action and genetic collectivism in general the admission of guilt that they needed to feel that their hatred of men was not misplaced, and that the genetic discrimination of affirmative action was an act not of injustice, but of justice.

Like many men, I would not be playing along. I certainly opposed violating a person's life and I would openly condemn Garbi and the twisted ethical code that led him to murder women. However, I did not regard the murder of women - or of any man-made class of persons

defined by their genetics - as being a special case. Murder was wrong, period, regardless of the genetic make-up of the murderer or his victims. By refusing to wear the white ribbon, I was refusing to pretend that I belonged to

a "male" collective. I was refusing to accept that, because Garbi was male, I and all other males are guilty of Garbi's deeds. In short, I rejected collectivism in general and its sexist variant in particular.

The principle method for rationalizing ones support of affirmative action was emotional: hatred.

By 1991, as I completed my Masters degree and commenced Ph.D. studies, I had for years heard other "white" male Ph.D. students bemoan the lack of employment opportunities in North American universities. They would apply for professorial positions but get no interviews. Meanwhile, female Ph.D. students were getting cold calls from universities around the continent asking whether or not they would take a given job were it posted. Should they answer in the affirmative, a job description then would be posted that miraculously matched the particular experiences, research interests, and educational qualifications they held, and that made them the best fit for the posted position. To comply with the law, and to appease collectivist racists and sexists, universities were throwing any pretence of equal opportunity out the window.



At one point in 1992, then-Professor Doreen Kimura told me about a London-based political party that stood against collectivism, and that stood for the freedom and consensual interactions of all individuals, regardless of their respective genetic make-ups: Freedom

Party of Ontario. I had just written a voluminous submission to the federal government at the time, which was making its first efforts to consider what if anything to do about the emergence of cryptography on the internet (a technology that I considered to be a great tool to defend everyone from an Orwellian, Big Brother government). Submission in hand, I marched down to FP HQ on Richmond Street in London, Ontario, had a brief conversation with one Robert Metz - the party's president and a founder of the party - contributed \$5, and started receiving the party's newsletters.

The end to government-enforced racism and sexism in universities was years away, however. Politics would not save my plan to be a professor. It was clear to me that I could spend the next several years finishing my Ph.D., only to find out that my chances of being hired as a professor anywhere in North America were greatly decreased due to my genetic make-up (and due to my increasingly right-of-Marx political views). In any event, the sexually and racially collectivist nature of far too many staff and students, as well as constant sneers at anyone who thought one should work for a living instead of vote for one, killed any desire I had left to be a professor for the rest of my working life.

The writing was on the wall. It was time for me to get out of the sandbox in Little Moscow. Getting out would require me to learn a marketable skill that I could use to earn money in the real world: there wasn't a big demand for people who studied the nexus between perception and cognition with multiple object tracking tasks. I wrote the Law School Aptitude Test, scored highly, and started my LL.B. studies at Western Law in the fall of 1992.

Law and Freedom

The early nineties were politically interesting times. Interest rates were high, government deficits and debts were soaring, bond rating services were expressing concern over the credit worthiness of the federal and provincial governments. Brian Mulroney's Charlottetown Accord - an attempt to amend the constitution - proved every bit as much of a failure as his earlier Meech Lake accord. Presidential hopeful Bill Clinton was telling us that he had tried pot but hadn't inhaled, which had an interesting Canadian spin-off: when Prime Minister Brian Mulroney abandoned the Prime Ministership and the helm of the federal Progressive Conservative Party, Clin-

ton's revelation left PC leadership contestants Kim Campbell and Jean Charest explaining that they too had smoked pot. The credibility of pot prohibition was taking a hit. Within months of winning the PC leadership, Prime Minister Kim Campbell led a stunning defeat for her party in a 1993 election that would see the Bloc Quebecois form Her Majesty's official opposition, and would see the emergence of a new, conservative, Alberta-based, Reform Party.

Meanwhile, in Ontario, Bob Rae's NDP kept serving up astonishingly unpopular policies. Rae days - forced days of unpaid leave for Ontario civil servants - killed the NDP's popularity with the public service. Few believed that Rae's photo radar was a traffic safety measure: most considered it a thinly disguised tax grab. Rae was running record deficits, and the province's future looked grim. Such was the state of affairs in 1995, when I graduated from law school.

Throughout my law school years, I had been happy to receive issues of Freedom Party of Ontario's Freedom Flyer and Consent, and the material in those publications certainly sparked my interest in, and motivated my advocacy of, individual freedom. In 1995, I was only too happy to deliver flyers door to door for Freedom Party's Lloyd Walker in London's Old South. However, I remained largely in the dark when it came to philosophy. With the exception of a philosophy of law course I took at law school, I had never studied philosophy in university. If memory serves, at that time, law school had left me thinking that freedom chiefly was a legal entitlement conferred by wise old men who wrote constitutions so that,

thereafter, legislators would be prevented from passing foolhardy laws. I had a sense that legislators had lost their wisdom over the generations, but I didn't ponder much the nature of the thing I considered wisdom. Like "constitutionalists" such as now (i.e., again) presidential candidate Ron Paul, I pegged the lack of freedom primarily upon the day's legislators' refusal to stay within the limits of authority conferred on them by our constitution. "If only they'd obey the constitution, we'd be free", thought I.

Having no philosophical training, and seeing freedom primarily as a legal issue at the time - not seeing any connection between ethics and freedom, for example - I sometimes had the pleasure of butting heads with Metz about such things as the nature of "rights". I would assert - as my property law professor had - that "rights are claims on the use of force by the state". Metz had a different concept in mind when he used the word "rights". It seemed to me that he used the word "rights" to refer to natural endowments of some sort that the government was supposed to be respecting and enforcing with the legal system. I felt about Metz's concept of "rights" just about the same as I felt about the idea of god, or divine law: "Since there is no god, there cannot be any "god-given rights", and if rights aren't given by God, they're given by man...arbitrarily, as a matter of law", thought I. I had a basic understanding that Metz's "rights" referred to a philosophical concept, whereas mine referred to a legal one but, for the most part, I thought we were just making distinctions without differences.

I was wrong. So wrong. However, especially



because I lacked any regular opportunity to discuss such matters with Metz or others, it would be years before I recognized that fact.

In 1997, I was admitted to the bar in Ontario, and immediately opened my own civil litigation practice in Oshawa. Naively, I then hoped there might be a way for a solo practitioner eventually to focus on constitutional law, which was my favourite part of the law. In the early months, I didn't have much work, so I had time to continue my legal research on the constitution and, especially, on the

Canadian Charter of Rights and Freedoms, which - having been introduced in 1982 - was still a relatively recent addition to the Canadian constitution.

"If only they'd obey the constitution, we'd be free", thought I.

At the time, I had a libertarian view of the problem of achieving freedom. I thought that, to achieve freedom, over-reaching socialist legislators had to be prevented from making and enforcing oppressive laws. As I saw it, government was the main thing to oppose. We needed to restrain it; we needed less of it, thought I. Accordingly, I focused my research on what I saw as the *Charter's* Achilles heel: section 1, which I saw as every Canadian tyrant's best constitutional ally.

Section 2 of the *Charter* sets out certain "freedoms" that it says all Canadians have, such as "freedom of expression". Those "freedoms", the courts were saying, should be interpreted broadly (for example, Canada's criminal law against the willful promotion of hatred against an identifiable group was said, by the Supreme Court of Canada, to violate section 2's guarantee of freedom of expression because it limits expression). However, section 1 reads:

"The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

In other words, if the violation of a "freedom" can be demonstrated to be justified in a "free and democratic society", the government can go right ahead and violate your *Charter*-"guaranteed" freedom. Naturally, as a lawyer, I began researching what definitions the courts had given to the words "free" and

"democratic", and to the terms "free society", "democratic society", and "free and democratic society". The results of my research shocked and disgusted me.

Even as early as 1997, many laws already had been challenged in our courts on the basis of the *Charter*. Many - perhaps most - of those laws had been found by the courts to violate the "freedoms" listed in the *Charter*, but many of the offending laws had been "saved" by section 1, pursuant to which the courts had decided that such violations were

"demonstrably justified in a free and democratic society". Yet, in the 15 years or so that had then passed since the *Charter* was adopted, the courts had never

defined the words "free", "democratic", "free society", "democratic society", or "free and democratic society". Instead, beginning with the Supreme Court of Canada's decision in R. v. Oakes, the courts - if they made any attempt to describe the nature of free and democratic society at all - routinely would just provide a high-sounding list of similarly ambiguous words referring to concepts allegedly associated with a "free and democratic society". Rather than defining the term "free and democratic society", the Supreme Court gave us this:

"A second contextual element of interpretation of s. 1 is provided by the words "free and democratic society". Inclusion of these words as the final standard of justification for limits on rights and freedoms refers the Court to the very purpose for which the Charter was originally entrenched in the Constitution: Canadian society is to be free and democratic. The Court must be guided by the values and principles essential to a free and democratic society which I believe embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society. The underlying values and principles of a free and democratic society are the

genesis of the rights and freedoms guaranteed by the Charter and the ultimate standard against which a limit on a right or freedom must be shown, despite its effect, to be reasonable and demonstrably justified." - from Chief Justice Dickson's decision in R. v. Oakes about how section 1 of the Charter is to be interpreted.

Let me put that into regular parlance. The Chief Justice believed (he didn't say how he arrived at his belief) such things as human dignity, social justice, accommodating beliefs, respect for collective identities and faith in political institutions to be "but a few" of the things that lead to the "free and democratic society" that the government says (in its *Charter*) it seeks to protect.

What is a "free and democratic society" according to the Charter? The Chief Justice didn't think it necessary to say. If the court "believes" some "value" or "principle" gives rise to "a free and democratic society", and if the court believes that that value or principle is (or should be) found in your society, then your society is a "free and democratic society". With all due respect to the court and the late Chief Justice: that's not a way to define "free and democratic society". Rather, it's akin to saying that "a Great Dane is any animal created as a result of mating an animal that wears a collar with an animal that walks on four legs". Great Danes arguably do result from the mating of animals that wear collars with animals that walk on four legs, but the same could be said of house cats.

A proper definition would require that the essential difference between "free and democratic societies" and all other societies be expressly identified. Until then, there is absolutely no way to know that the values and principles alleged to lead to a free and democratic society actually do so lead.

Years subsequent to his decision in *R. v. Oakes*, Chief Justice Dickson wanted to make it clear that - when determining whether or not a freedom-violating law is justified, what really matters is not what a "free and democratic society" is, but whether the law in question supports the "values and principles" that the court "believes" - on a case by case basis - gives rise to a free and democratic society:

"Undoubtedly these values and principles [essential to a free and democratic society] are numerous, covering the guarantees enumerated in the Charter and more. Equally, they may well deserve different emphases, and certainly will assume varying degrees of importance depending upon the circumstances of a particular case... If values fundamental to the Canadian conception of a free and democratic society suggest an approach that denies hate propaganda the highest degree of constitutional protection, it is this approach which must be employed." (excerpt from Chief Justice Dickson's decision in R. v. Keegstra)

Of course, nothing requires the court to prove that - or to explain how - any alleged value or principle actually gives rise to a free and democratic society. Indeed, how could the court even do so, without first *defining* "free and democratic society"?

But leave aside the issue of defining "free and democratic society". How about defining the terms used to refer to "values" and "principles" that allegedly give rise to a free and democratic society? I know of no type of society that does not at least *claim* to hold as values things denoted by such ambiguously used terms as "equality", "justice", and "dignity", and the courts have not made any serious attempt to explain what they mean by such terms.

So long as the court does not define the meaning of the various terms used to describe the values and principles it alleges to give rise to a free and democratic society, we cannot know whether such values and principles actually do lead to a "free and democratic society", even if the court does give us a proper definition for that term. Does equality mean that the law applies to everyone in the same way regardless of his income or genetic make-up, or does "equality" mean something opposite: that the law redistributes wealth, jobs, titles, and university acceptances in order to ensure that everyone is equally wealthy and is represented in jobs, holds titles, and gets into university in "racial" percentages reflective of the racial make-up of the country? The court doesn't say. The same thing goes for the rest of the alleged values and principles the court cites as being the sine qua non of a free and democratic society, such as "social justice": none of it gets an actual definition. Instead, we're left with high-sounding words denoting nothing and connoting anything.

Where does neglecting to provide definitions leave the court? It leaves the court with almost unlimited discretion to pick and choose which freedom-violating laws it will allow the government to pass, without any real need to consider the effect of such laws on individual freedom. It is perhaps for this reason that "individual freedom" was not something the court listed as being a value giving rise to a free and democratic society. In fact, use QuickLaw (an electronic database of court decisions) to search for all of the Supreme Court of Canada cases in which you can find the phrase "individual freedom" mentioned. In the search results, you'll find eight cases. Eight. Among those, some are not Charter cases, some use the phrase only in a quotation of someone else, and others say that

individual freedom doesn't apply to the facts of the case. What does that tell you about what the court believes the *Charter* to mean by the phrase "free and democratic society"? What does it tell you about what the court finds to be a value or a prin-

ciple in Canadian society?

After reading countless cases in which various courts claimed that this value or that principle "strikes to the heart" or "lays at the foundation of" a free and democratic society - none of which defined "free and democratic society" - I concluded that, in practice, the court can allow the legislature to impose limits on Charter-"guaranteed" freedoms by merely conjuring up an alleged "value" or "principle" (remember: the court has only named "but a few" of an expandable list) that is facilitated by the freedom-violating law, and that allegedly (without definition, proof or explanation) gives rise to the society in which you live. Indeed, the Charter simply allows the court to put the cart before the horse. It allows the court to start with the unproven and unexplained assumption that Canada already is a free and democratic society, such that whatever values or principles the court says give rise to (or are fundamental in) Canadian society are values or principles that can be facilitated by laws that violate Charter-"guaranteed" free-

My high regard for the *Charter* was utterly undermined. What I initially thought to be an

impersonal, merciless, uncompromising wall against oppressive legislation turned out to be, in its application, a well-oiled door that easily can be opened whenever what the legislator "values" (or whenever his view of how society should be) happens to coincide with the "values" (the vision of how society should be) held by the doorman; a doorman prescreened and appointed by the government.

Spring 2012

In fact, for a fellow with no satisfactory answers, it was more distressing than that. My respect for the notion that law is the source of freedom was utterly destroyed. Canadian law and its interpretation were, in fact, *arbitrary*, just like beliefs in gods and divine laws. It was also morally subjective, just like my then-support for the Golden Rule.

"Canadian law and its interpretation were, in fact, arbitrary, just like beliefs in gods and divine laws."

The law could be arbitrary and morally subjective because the law is man-made, just like beliefs in god or his divine laws. If its authors' or interpreter's beliefs, values, or principles were arbitrary, and if mo-

rality was subjective, the law could not be a reliable way to defend the freedom I felt was morally right.

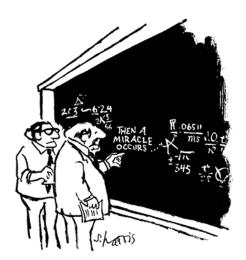
I was back to square one. If the freedom I so valued and desired was to be defensible - if the racism, sexism, socialism, and social engineering that took aim at me was wrong - I would have to find non-arbitrary, non-subjective evidence that freedom was right. I would need to find an anchor for freedom that was not man-made.

Economics and Freedom

From 1989, when I first started using the Internet, libertarian discussions and attitudes were in abundant supply. Those calling themselves libertarian frequently made reference to "natural" or "god given" rights of life, liberty, and property but - given that I was rejecting the arbitrary - those arguments came up short. There was another, more common line of pro-freedom argument that seemed to stand a chance of being non-arbitrary: the often-cited economic arguments made by libertarians and the economists whose opinions they valued.

I had studied the nature of money and banking since about 1994, when I received unsolicited copies of a little newspaper called the Michael Journal. Published by a Quebecbased Catholic sect, the Pilgrims of St. Michael, the Michael Journal was filled with information about the Social Credit theories of Clifford Hugh Douglas and, and with claims that Manitoba's Gerry Hart had convinced a court that Canada's Income Tax Act was unconstitutional. The latter inspired me to do independent legal research on the Act's constitutionality (the results were published in the December 1995 issue of Consent). The former inspired me to learn all about the history, nature, and flaws of Social Credit, to develop my understanding of money and credit (with the help of the writings of Austrian school economists such as Murray Rothbard and Gary North), and to discover how a government could simultaneously eliminate much of a its debt and eliminate monetary inflation (the result was published in a 2003 Freedom Party of Canada booklet, reproduced in the January 2005 issue of Consent). However, I needed to examine more fully the economic arguments in favour of freedom itself; against the wealth redistribution and related social engineering of the socialists.

I read with excitement Friedrich Hayek's The Road to Serfdom and ultimately discovered Ludwig von Mises' Human Action. Doing so allowed me to appreciate what I then considered the subjectivity of value (e.g., to you at present, my pencil might be more valuable than the dollar in your pocket whereas, at the same time. I might value your dollar more than I value my own pencil, such that con-



"I think you should be more explicit here in step two."

sensual trade is mutually beneficial to both of us). More importantly, I found in the Austrian school of economics at least one seemingly non-arbitrary yet amoral (which is not to say immoral) argument in favour of capitalism. In a nutshell, Mises had demonstrated that centralized planning of the economy is planning without the self-serving economic calculations made by every individual in the capitalist system. As Mises put it in Human Action: "What is called conscious planning is precisely the elimination of conscious purposive action."

The economic arguments seemed promising, but they came up short. Economics could demonstrate that the distribution of goods and services was more efficient (in some way or another) in one economic system than in

another, and it could demonstrate that the overall prosperity of a society was greater under one system than another. However, it could offer up no ethical justifications for anything it proposed. Why is prosperity, or a given kind of efficiency, right? Might a less

efficient system be morally preferable? Economics offered no answers to such questions.

Another problem was that economics essentially spoke about quantities, not about qualities. In the realm of electoral politics, it could not answer questions requiring a qualitative answer. It most obviously came up short on what many would call "social" guestions. Should prayer be a part of the official opening of the legislature? Should police raid a house on a tip from a psychic who saw crime in her crystal ball? Should the government fight crime by spending money on programs to help youth find Christ? Economics could not answer such questions, and an attempt to answer social questions with economic answers would prove fatal to the credibility of any politician who engaged in such folly. Surely, one could not answer a question about whether abortion should be criminalized by framing ones answer in terms of the overall economic cost or benefit to the economy...unless one wanted to be perceived, rightly, as a monster. Economics could - in a non-arbitrary way - tell one about what is, but it was silent on the issue of what ought to be. It could not be used as a proof that individuals ought to be free.

Objectivism and the End of the Arbitrary

One day - I do not recall the year, though I suspect it was 1999 or later (the year I joined Freedom Party's executive) - while at Freedom Party's newer headquarters on Commissioners Avenue. I picked up a copy of Avn Rand's book Capitalism: the Unknown Ideal. It contained some great articles, though the articles dealt mostly with the political aspects of Rand's philosophy, Objectivism. I do not recall when I actually began reading the book. I do know that, after reading it, I wanted to buy more of Rand's works of non-fiction.

My next purchase, The Virtue of Selfishness, was a volume of essays concerning the ethical branch of Rand's philosophy. The first

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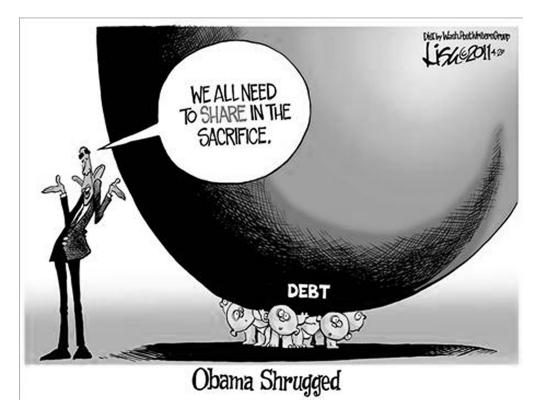
of what ought to be."

essay in that volume, "The Ob-Ethics", changed my life. planation of how better and worse.

jectivist For the first time since abandoning my belief in God, I had a rational exgood and evil, right and wrong, are tied to some-

thing over which man has no control: the nature of human beings, and the other metaphysically given facts of reality. I rejected moral subjectivism. I was back on track. Ethics was no longer a void. I now had a means of knowing what was right, what was wrong, and how I could prove it to myself and to others - with physical evidence - without appealing to the arbitrary or the man-made.

I dove into the rest of Rand's works of nonfiction, and understood big chunks of her philosophy, but I did not see the whole. I needed a treatise that integrated it and presented it to me in a logical sequence. Leonard Peikoff's Objectivism: The Philosophy of Ayn Rand did just that. I read it and re-read it, and read it again. As a result, I felt I had a very good intellectual grasp of Rand's philosophy, and looking back - I did. However, my subsequent reading of Rand's fictional works - first Atlas Shrugged, and then The Fountainhead - allowed me to see her philosophy in action, and to get a more concrete understanding of how life would be if one lived and was governed consistently with the nature of human beings. A philosophy I had understood and judged to be correct and good I now saw to be practical and uplifting.



Of course I did not limit myself to reading about Objectivism. In 2002, I assumed the post of leader of Freedom Party of Ontario and, in that role, I concerned myself with how philosophy relates to governance and to electoral politics. I needed better to know the nature of freedom, what makes it possible, and why it is right. I read books written by Kant, James, Nietzsche and others who had views countered by Objectivism. I read works by the Philosophes. I read Hobbes. I read Locke. I discovered that it is easy to find in the classic and more recent texts arguments about political philosophy and the role of government. However, one will read little if anything in these texts that deals explicitly with the relevance to governance and electoral politics of the more fundamental branches of philosophy; the branches that deal with the essential nature of existence (metaphysics), with the issue of how one obtains knowledge (epistemology), and with the question of what one should and should not do (ethics). As with assertions about the existence of god, or the righteousness of the Golden Rule, political claims were usually offered up as floating abstractions, not substantiated with metaphysical, epistemological, or ethical arguments. In short: most political philosophy - especially that written by those who claimed to advocate individual freedom - was comprised primarily of arbitrary assertions which, being arbitrary,

could not withstand serious scrutiny from the opponents of freedom.

Until some point prior to 2005, I would have agreed with liberals, conservatives, and libertarians that metaphysics, epistemology, and ethics are not relevant to governance and electoral politics. However, by 2005, I had come to understand not only that those branches are indeed relevant, but also that every political philosophy at least implicitly takes a stand on the metaphysics, epistemology, and ethics that gives rise to the political philosophy (this was a particularly important discovery with respect to libertarianism, which explicitly claims that libertarianism itself has no particular metaphysical, epistemological, or ethical foundation). And, as I discovered, those implicit stands make liberalism, conservativism, and libertarianism (in fact, especially the latter) philosophies that are, at their very foundation, inconsistent with, or even in opposition to, the defence of individual freedom and the achievement of a free society.

In the forthcoming installments of Freedom Essentials, demonstrating the importance of certain metaphysical, epistemological, and ethical positions to governance, electoral politics, and the achievement of freedom will be my focus. Recognizing and acting upon those positions has come to define Freedom

Party, and has made it the first political party of its kind in the world. For that reason, those interested in Freedom Party's nature, and those interested in actually achieving a free society will want to read and understand the forthcoming installments.

For the time being however, let me conclude with an overview of what is to come. If freedom is to be achieved and maintained, government must, as a matter of metaphysics, take into consideration only the physically demonstrable facts of reality, ignoring or condemning all calls to base its decisions on the unreal (e.g., on the allegedly supernatural). As a matter of epistemology, it must determine those facts solely by means of reason, and must eschew irrational approaches, such as appeals to faith, majority whim, or "the precautionary principle". As a matter of ethics, government must recognize the essential nature of human beings, and reject the notion that human nature is flawed; a thing to be corrected or altered with the use of coercive physical force by the state. And, as a matter of politics, it must ensure that all of its decisions are consistent only with the task of ensuring that no adult individual is prevented by others from acting in accordance with the nature of human beings. In short: if freedom is to be achieved and maintained, government must govern in accordance with the facts of reality. {END}



Do you have a favourite quotation that you would like to see printed in future issues of Consent?

Send it to:

consent@freedomparty.org

"If we libertarians are attempting to bring about a new world order, one person at a time, then we must include everyone within our fold, anarchists, statists, and collectivists of all stripes, and everything in between."

- Allen Small, Leader of the Libertarian Party of Ontario (October 19, 2011).

JUSTICE

(a continuation of Part 2 from Consent #35)

by Paul McKeever

Rational Judgment: Material Facts Proven by Relevant Evidence

Before you can make a just decision about whether to trade one material (or spiritual) thing for another - or to replace one thing with another - you must have a way of judging each thing's value. *Rational* judgment requires that one consider only *material* facts: facts that relate to the value of the things in question.

In determining what is a material fact, the rational individual excludes from consideration every fact or alleged fact that does not bear rationally on the issue of the value of the things in question. For example, when determining whether to buy a fatty hamburger, a material fact might be that a lean burger is available for the same price. An immaterial alleged fact would include, for example, that some all-knowing, all-powerful, undetectable god commanded that human beings never eat hamburger. Some facts not merely alleged but true - such as the fact that Ferrari builds fast cars - similarly would not be facts material to the value of the hamburger.

Where the justness of a trade of values between yourself and another individual is the question, the content of the other individual's mind (i.e., such things as his ethical values, his virtues, his vices, and other beliefs) sometimes will be material. For example, the content of the other individual's mind will be material when you are deciding whether to give that individual something of value now (for example, a sum of money) in exchange for a promise to deliver something of value later (for example, the return of the money, plus interest). In such a situation, you must determine whether the would-be borrower is honest or will take your money and run, never to repay it: his honesty or dishonesty is a fact that is material to the issue of the value of his promise to repay your money plus interest. You must determine whether he recognizes and acts upon the fact that only his own efforts to produce material values will allow him to repay the loan plus interest, or whether he

will instead wish upon a star - or gamble – in an attempt to obtain the money he needs to repay the loan and interest: his rationality and productivity are facts material to the value of his promise.

In other situations, the only *material* facts will be ones own rational needs and wants and the nature and availability of the things that are the subject of a proposed exchange or trade. In a non-social exchange of values - for example, determining the justice or injustice of eating a delicious but unhealthy sweet dish - the content of others' minds is immaterial to the determination (instead, one must consider such material facts as whether or not one is morbidly obese, diabetic, etc.).

"Rational judgment requires that one consider only material facts...relevant evidence"

In many social exchanges of things (i.e., between you and another person), the content of the other person's mind likewise will be immaterial. The example of the shoe maker and the lake owner is arguably one such situation. A determination of the lake owner's rationality (or lack thereof) will usually be *immaterial* to the shoe maker's judgment concerning the respective values, to himself, of a pair of shoes and a jug of water. In those circumstances, the shoe maker need only consider such facts as how soon he needs the water, whether other vendors are willing to sell water to him for a lesser price, *et cetera*.

A material fact must be proven with evidence. Rational judgment requires that one admit into consideration only the evidence that is relevant to material facts. When it comes to evidence, the rational individual excludes from consideration everything except that for which there is ultimately *physical* evidence; he considers only percepts and the concepts and conclusions that stem logically from them. For example, the experience of eating a given restaurant's burger and discovering it to be delicious is *relevant* evidence that the next one you eat there will be delicious too. In contrast, the observation that dogs enjoy eating apples is *irrelevant* to the alleged material fact that eating the burger will reduce your health to some extent.

The rational individual regards as fact only that which the weight of the evidence favours. Alleged facts that are not sufficiently supported with evidence, or that the evidence weighs against, are discarded from further consideration, even would they be material facts had there been relevant and sufficiently weighty evidence for them.

In summary, justice concerns the question of whether one material or spiritual value or thing should be exchanged for or replaced by another. On the basis of that which he has judged to be material facts supported by sufficiently weighty, relevant evidence, the rational individual compares the respective values of the things that are the subject of a proposed exchange or replacement. The question he thereby answers is: "Which of these things is, in reality, of greater value to me?", which implies "Which of these things, in reality, will better help me to survive and achieve my own happiness?". After that judgment is made rationally - and not before - justice demands that the rational individual give up the thing of lesser value for the thing of greater value (or, as the case may be, that he not exchange a thing of greater value for a thing of lesser value). Whether or not another person gets what he deserves as a result of the rational person's decision will have no bearing on the justness of the decision so made. {END}

> Submit your letter to the editor: consent@freedomparty.org

Changes to Consent

Freedom Party of Ontario ("FPO") launched *Consent* in 1988, four years after the party's founding. Consent served, at times, to provide explanations of what freedom is, what it is not, and what gives rise to it. It performed a function that most would consider not to be a function of a political party. Political parties aim to win seats in legislatures by promoting election platforms and nominating candidates who support those platforms. Political parties are not - and should not be - in the business of educating the public about a philosophy. That is the role of activist groups and think tanks.

In 2002, it was decided that FPO would focus on its primary role: attempting to win seats in Ontario's legislature by proposing great election platforms and nominating candidates who support the party and its platforms. By so winning seats, the ultimate purpose of FPO is to change the way Ontario is governed so that the freedom of every individual is increased. FPO would not promote a philosophy: it would promote the platforms and candidates that resulted from applying a philosophy: a philosophy that government should operate consistently with the facts of reality.

It was decided, at that time, that a new organization - Freedom Party International ("FPI") - would be formed to carry out the role of defining, teaching, and promoting FPO's underlying philosophy, for the benefit of all political parties who were granted affiliation with FPI (currently, that list includes only FPO and Freedom Party of Canada), for the benefit of

the members, supporters, future party leaders, party officials, and candidates of affiliated parties; and for the benefit of the general public who might want to learn more about what freedom is, about how government should facilitate and defend a free society, and about the underlying philosophy that guides an FPI-affiliated Freedom Party's officers and leadership in the crafting of party policies and election platforms.

It was also decided that *Consent* would be one vehicle used to define Freedom Party's underlying philosophy, to teach it, and to promote it. That decision, together with the fact that FPI was to serve an international audience, not just an Ontario audience, meant some changes would be made to *Consent*.

Originally, Consent published ideas and opinions that were not necessarily consistent with the underling philosophy that now guides the policies and election platforms of FPI's affiliated political parties. For example, were a submission to speak of "god-given rights", it might in the past have been published in Consent as an idea or opinion about individual freedom. However, Freedom Party's defense of individual freedom is founded not upon faith in a supernatural gift of freedom, but upon facts of reality concerning the nature of man; facts for which one can find compelling physical evidence upon which to base a rational case for freedom. Consent will no longer include arguments founded upon the supernatural; upon faith, consensus, or the whims of the majority; or upon altruism.

Consent also tended to print a considerable number of ideas and opinions about things that were going on at the time, but which are no longer relevant. Going forward, Consent will endeavor to ensure that its content will be of a kind that remains eternally material and important.

Because Consent was an FPO publication, a lot of its content focused on laws or decisions in the province of Ontario, or in Canada as a whole. Now that Consent's audience is worldwide, Consent will be endeavoring to ensure that its content is relevant to all individuals, no matter in what country they live on this globe.

Finally, in the past, Consent's front page header and footer had a libertarian tone or, at least, a tone compatible with libertariananti-government orientation. sider the old motto in Consent's footer: "To those who consent, no injustice is done". It implied: "...so government should butt out". Freedom Party takes the position that metaphysical, epistemological, ethical and political philosophic truths need to be observed and practiced by government if a free society is to result. Telling government to "butt out" won't do the trick. Moreover, libertarianism's willingness to sanction supernatural metaphysics, irrational epistemology, and altruistic ethics actually makes libertarianism a movement that undermines the prospects for individual freedom. Therefore, Consent hereafter will be more careful to promote only reality, reason, self, and consent. The result, in the long run, will be freedom. {END}.

CONSENT

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Freedom Party International was founded in 2002 by the executive of the **Freedom Party of Ontario**, Canada. FPI's role, globally, is to promote reality, reason, rational self-interest, and individual freedom. It does so by educating the public and the members, supporters, and candidates of its affiliated Freedom Party political parties.

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