A Gödelian Loophole in the Swiss Constitution*

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Abstract

I point out a critical subjective Gödelian loophole in the Swiss Constitution, namely its Article 190, whose authoritative interpretation I prove to be a misinterpretation. In Swiss legislation, jurisprudence, and jurisdiction (thus *de jure* and *de facto,* respectively), this loophole has enabled the abuse of elementary logic and—*a fortiori*—fundamental law (the violation of sacrosanct human rights), and thus the systematic miscarriage of legislation (anti-constitutional law) and justice (anti-democratic rule of law). This malpractice has happened through the false pretence that the article be non-self-applicable and thus that the Swiss Constitution be irrelevant to the corpus of (anti-constitutional) federal law (to be derived if not deduced from the Constitution) to the point of posing a critical threat to the Swiss nation-state. Luckily, the loophole turns out to be objectively (logically and thus legally) self-mending (by self-application) and thus the Constitution to be self-amending (under correct interpretation). Hence, the miscarriage must be corrected and its victims duly compensated.

Keywords applied logic · constitutional law · Gödelian loophole · illogical jurisprudence and jurisdiction · legal fallacy · miscarriage of legislation and justice · misinterpretation and misjudgement, relevance, and self-reference in law · rule of law · self-applicable legal articles

The Emperor has no clothes! Elementary, my dear Watson.

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> *The essence of fundamental rights is sacrosanct.*

1 Introduction

Futuristic readers may dash forward to Definition 2—and from there backward to our present here.

1.1 Inception

1.1.1 Motivation

The motivation for this paper is the civic duty to understand and counteract injustice as perceived to be perpetrated by government in an unholy alliance with diverse associates. The presented perception is my own and the injustice the operationalised illegality of two recent pieces of Swiss federal law nudged onto the Swiss population by the Swiss government and government-subsidised media but judged anti-constitutional by many concerned *cognoscenti* as well as simple citizens.

injustice

Anti-constitutional federal acts These constitutionally-problematic pieces of Swiss law are: first, a federal act purported by the Swiss government to be a legal basis for counter-measures against imported terrorism and home-bred civil unrest, namely the so-called *PMT-law* (see [40] and [103]) and, second, another federal act, purported by the government in public-private partnership to be a legal basis for (harmful) counter-measures against the imported but copycat-amplified Corona-Virus Disease 2019, namely the so-called *CoViD-19-law* (see [39] and [54, 61, 87, 28, 95, 32, 49, 82, 35, 127, 71]). Never in Swiss history has there been so much concern about government-concocted federal acts as well as wilful disregard of such concern by the Swiss government [27, 109] and zealously government-sensing and citizen-censoring media [66, 46, 55, 100, 79, 33, 92, 18, 88], that is, concern about their justification and their compatibility with the Swiss Constitution [41] (i.e., the Constitution of the Swiss Confederation, i.e., Switzerland [43, 107, 106, 115, 114, 124]).

collateral anti-dotes against self-inflicted plagues

Remark 1 (Censorship)**.** The following interpretation of Paragraph [41, Article 17, Paragraph 2] (i.e., "Censorship is prohibited.") is more plausible than the (sentence)[1] negation of this interpretation: The prohibition also proscribes *self*-censorship, thus including the self-censorship of any (thus including state and citizen) media, by the strict conceptual containment of self-censorship in censorship. Hence, not only does that paragraph prescribe a *right* but also a *duty* to free speech (see [41, Article 16] and [74])! Similarly, the delayed or even filtered upload to the World-Wide Web—or even worse, the selective enabling and disabling—of public comments (the public eye) on state media productions, as practiced by the Swiss Broadcasting Corporation SRG-SSR [19], is proscribed by such containment, since the temporal exclusion from public debate is a form of censorship, especially at the real-time pace of social media. Furthermore, this practice by SRG-SSR of policing (the) free speech (of those who are even taxed for SRG-SSR [108]) for (anti-constitutional) political correctness violates the separation of powers, as it confounds the media with the police. Hence, this practice is anti-constitutional and thus illegal. Moreover, if also a majority of the members of the Swiss Federal Assembly (the parliament [23]) mostly consume the mis- if not disinformation spread by a media that is influenced if not manipulated by the Swiss Federal Council (the government [45]), then the government effectively controls the parliament if not the entire population through government-subserving media. However, it ought to be the other way round, that is, that the parliament oversee the government [38, Article 26], which the parliament cowardly failed to do during the CoViD-regime. In effect, this violation of necessary checks and balances is pushing the gold-standard democracy of the Swiss Confederation towards a totalitarian regime.

self-censorship ⊊ censorship

right and duty to free speech

unseparated powers

unchecked, unbalanced

Theorem 1 (Self-censorship is prohibited.)**.** The Swiss Constitution prohibits self-censorship.

See Appendix B for an elementary modal-logical proof after finishing this introduction.

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[1]versus verb-phrase negation (see `https://plato.stanford.edu/entries/negation`)

Quotation 2: Protection against arbitrary conduct and principle of good faith [41, Article 9]

> *Every person has the right to be treated by state authorities in good faith and in a non-arbitrary manner.*

Fact 1 (The policing of free speech by state media is anti-constitutional.). The policing of free speech by Swiss state media violates the Swiss Constitution and thus is anti-constitutional.

Fact 2 (Censorship evidences propaganda.). Censorship is a necessary condition for state propaganda to be effective.[2] Without censorship, propaganda bias and lies can be debunked as such.

Fact 3 (Propaganda evidences totalitarian tendencies.). Propaganda is a necessary condition for a totalitarian state to exist. Without propaganda, the state has no total control over its population.

Corollary 1 (Censorship evidences totalitarian tendencies.). Censorship evidences the totalitarian tendencies of a state.

Proof. By Fact 2 and 3, and the transitivity of evidence relations from necessary conditions. ∎

Corollary 2 (The Swiss state may well have totalitarian tendencies.). There is (currently more) evidence for the Swiss state to have totalitarian tendencies (than for it not to have them).

Proof. By Remark 1 and Corollary 1. ∎

Proposal 1 (eCollecting versus eVoting). Prescribe the eID-based [83] as an inclusive alternative to the paper-based collection of signatures (eCollecting) for popular initiatives and referenda (speed, direct-democracy booster), but proscribe eVoting therefor (security [97], democracy-hacking). *eCollecting 👍, eVoting 👎*

Proposal 2 (Competitive separation of the media and the state). State journalists are to take a legally-binding equivalent of the Hippocratic Oath [25]. State media production is to be reduced to the production of highest-quality documentaries and to receive corresponding funding [108]. Any image of the presenters of state media productions is to disappear from their presentations. The state is to facilitate, thus never to censor citizen media production by hosting a free platform (cloud agora)[3] for that production on the World-Wide Web. The quality control of state and citizen media is to be by eID-based public appreciation of each production (public eye on the media offer). Each appreciation is to be quantified compatibly with natural language[4] as a value $-3, -2, -1, 0, 1, 2, 3$ of the perceived demand for the production, a pair (b, d) of values $0, 1, 2, 3$ for the perceived breadth and depth of the coverage of the production, as well as a pair (h, v) of values $-3, -2, -1, 0, 1, 2, 3$ for the perceived left-right-wing bias h and authoritarian bias v of the coverage. Each quantified appreciation is to be justified with textual feedback and to be visualised graphically. Groups of quantified appreciations are to be queryable online by user-defined time and topic. Totalities of state media and citizen media appreciations are to be comparable statistically and visually online in terms of their individual, joint, and mutual information value, and to have proportional annual consequences on state media producers. To be emphasised therein are the absence of the demand for offered state media productions and the presence of the demand for non-offered such productions as evidenced by the corresponding demand for offered citizen media productions. Continuous or recurrent state media bias or lies (state propaganda) is to be proscribed in criminal code, is to constitute an indictable offence (felony), and is to be prosecuted *ex officio*. *separation of the fourth power and the state* *civil zeal*

To make matters anti-constitutional worse, both federal acts, purportedly for the physical protection of the Swiss citizens, have been putatively legitimised through referendum by the Swiss voters, who however had been misinformed by zealous media anxious to propagate the will of the government [68, 64]. The ruinous result of this psychological vote manipulation (anti-democratic *legitimised inconsistency*

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[2]See [29] for propaganda in a general setting.
[3]https://www.britannica.com/topic/agora
[4]negative, neutral (0), and positive, respectively; as well as comparative (less, more) and superlative (least, most)

Quotation 3: The burden of proof according to the Swiss Civil Code [117, Article 8]

> *Unless the law provides otherwise, the burden of proving the existence of an alleged fact shall rest on the person who derives rights from that fact.*

psyop [1] for governmental protection rackets [2] in public-private partnership [3])[5] is a Swiss corpus of law (nearly-dead legal codex) that is legally (and supposedly lawfully!) inconsistent (two federal acts legitimately approved by the necessary voter majorities but arguably in contradiction with the Swiss Constitution). Of course, this is a political (legislative, executive), judicial, and thus societal worst case, since from inconsistency (a contradiction $A \wedge \neg A$ in a set of statements A, B, C, etc.)[6] follows arbitrariness $((A \wedge \neg A) \to B)$: first, logical (by the logical laws $(A \wedge \neg A) \to \bot$ and $\bot \to B$, and the transitivity of implication, where $\bot$ represents falsehood) and thus, second, also legal (legally-codified statements of legalised arbitrary pre- or proscription, or both, typically against the individual human being as conceived by the European Enlightenment [4]). This leads the purpose of law (the prevention of arbitrariness and thus of the state of nature [5]) *ad absurdum.* The collapse of the second-biggest bank with a Swiss façade, Credit Suisse, and its government-dictated absorption into the biggest such bank, UBS, under emergency law, that is, against the ordinary law for too-big-to-fail banks [81, 60, 67], amplifies the risk of such banks to the point of collapsing the Swiss nation-state and thus accelerates the convergence towards a world-wide state of nature. In this collectively-suicidal vein, Swiss banks, copycatting the reckless administration of the Swiss government, are outsourcing their information and communication infrastructure into foreign clouds (thus under foreign law). Hence, they are betraying their own clients by selling the confidentiality and availability of their client data[7] and meta-data[8] (thus abandoning the banking secret) for short-term cost-cutting and indefinite control by foreign powers in public-private partnership with the cloud providers and intelligence agencies of those powers [118].

(margin: legalised arbitrariness)

(margin: state of nature)

(margin: sub-threshold high treason)

Question 1 (*Causa*). How is this potentially catastrophic state of society legally possible?[9]

Proposal 3 (Nullity of manipulated votes). Manipulated votes, especially votes influenced by misinformation (thus including disinformation), are to be nullified (in analogy to nullified contracts [36, Article 20]) and possibly repeated with adequate (thus corrected) information for the voters.

Proposal 4 (Prosecution for treason). Prosecute SRG-SSR [65], certain parts of the Swiss public administration, and certain Swiss banks under Title 13 of the Swiss Criminal Code [116].

The following proposal extends the preceding four to more problematic associations of the state.

(margin: separation of the state and big capital)

Proposal 5 (Penalisation of anti-democratic public-private partnerships). Anti-democratic public-private partnerships, including lobbying (pre-, in-, and post-office)[10] and privately-funded science (posts, projects, infrastructure, equipment, etc.) in public academia, are to be proscribed in criminal code, are to constitute an indictable offence (felony), and are to be prosecuted *ex officio.*

(margin: civil zeal)

Any anti-democratic public-private partnership drives democracy closer to fascism, since such partnership contributes to the merging of the state with big capital, nowadays through big-tech-catalysed surveillance [132, 72]. Thus, any funding of public research by private capital is to be considered as pseudo-philanthropic bribery contributing to an oligarchic take-over of democracy.

(margin: neo-klepto-corporatistic coup d'état)

Proposal 6 (Rule of *logical* law). The prescription "All activities of the state are based on and limited by law." in Article 5 of the Swiss Constitution (see Quotation 7) is to be amended as "All

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[5]Given that even a *minimal state* is to protect its citizens, protection rackets may work in states of any size.

[6]here, the set (conjunction $\bigwedge(\mathcal{C} \cup \mathcal{A})$) of (normative) statements (prescriptions, proscriptions) formed by the union $\mathcal{C} \cup \mathcal{A}$ of sets $\mathcal{C}$ and $\mathcal{A}$ of such statements that any political constitution and any federal act forms in turn

[7]through abusive general terms and conditions [36, Article 8]

[8]https://www.nybooks.com/online/2014/05/10/we-kill-people-based-metadata

[9]*Causa latet, vis est notissima.* (See https://en.wikipedia.org/wiki/List_of_Latin_phrases_(C).)

[10]pre-office [57] as well as post-office (memberships in advisory boards of enterprises under public or private law)

Diagram 1: Hierarchy of Swiss federal law (German: *Bundesrecht*)

European Convention on Human Rights (ECHR)
|
Swiss Constitution (BV)
|
federal acts (German: *Bundesgesetze*)
|
federal ordinances (German: *Bundesverordnungen*)
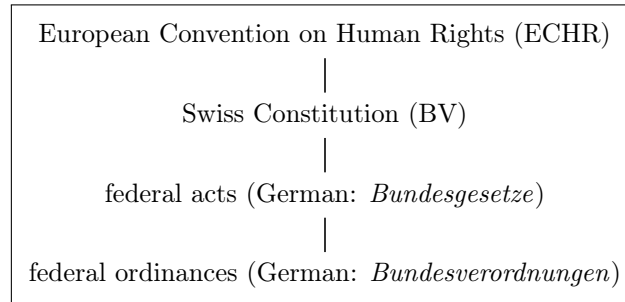
activities of the state are based on verifiable facts, limited by classical[11] logic, and then by law as direct-democratically approved by adequately-informed voters. In states of emergency, the state has the burden of proof for (in)action." (Principle of *dis*trust from the citizens towards the state.)

Any Western people that reject Proposal 6 in its essence has no sovereignty of their own mind (anymore), deserves neither direct nor indirect democracy, and is bound for (well-deserved) slavery. See Quotation 3 and the authoritative commentary [80] for the ordinary, trust- rather than distrust-based concept of burden of proof in Swiss law, which has proved unsuitable in states of emergency. Worse, misplaced trust in government may even lead to such states through the abuse of entrusted power. The following five principles concretise the relation between logic and law in logical law.

{dis,mis}trust

Principle 1 (Illogicality implies arbitrariness.)**.** Illogicality[12] implies arbitrariness.

Principle 2 (Arbitrariness implies illegality.)**.** Arbitrariness by public servants implies illegality.

Corollary 3 (Illogical law is illegal law.)**.** Illogical law is illegal law—non-law.

Proof. By Principle 1 and 2, and the transitivity of implication.[13] ∎

Principle 3 (Law is illegal if and only if it is illogical.)**.** Illegal law is illogical law and Corollary 3.

Principle 4 (Illegality is equivalent to penalty.)**.** Illegality is (to be) equivalent to criminal penalty.

Corollary 4 (Penalisation of legislating or applying illogical law)**.** Legislating or applying illogical (equivalently, illegal) law intentionally or in gross negligence is subject to criminal penalty.

Proof. By Corollary 3 and Principle 4, and the transitivity of implication. ∎

Principle 5 (Responsibility is equivalent to liability.)**.** Responsibility is equivalent to liability.

Legal topos Swiss law is, as opposed to the (more concrete) common (case) law of the anglo-sphere [6], a (more abstract) codified law.[14] Simple Swiss citizens understand Swiss federal law (German: *Bundesrecht*) to be hierarchical (see Diagram 1), roughly with the following four layers: first, the *European Convention on Human Rights* (*ECHR* [44]) on the top,[15] above, second, the *Swiss Constitution* (*BV* [41], [86, 125, 126]), in turn above,[16] third, the *federal acts* (German: *Bundesgesetze* [107, Paragraph 73], such as the PMT- and the CoViD-19-law), enacted by the Swiss Federal Assembly (the parliament),[17] in final turn above, fourth, the *federal ordinances*

codified law

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[11]Intuitionistic logic suffers from a possible exponential blow-up of proof length and thus from impracticality.

[12]inconsistency, unsoundness, incorrect inference, etc.

[13]Members of parliament, judges, as well as public administrators and executives are public servants.

[14]Although Swiss law is not uncommonly said to lack administration of justice, thus degenerating into case law.

[15]There is no consensus on the status of *international treaties:* supra- or para-ECHR, or inter-ECHR-BV?

[16]See [107, Paragraph 72], which contradicts the so-called *authoritative* interpretation of [41, Article 190] in all (DE: "*Oberstes* Gesetz," IT: "Legge *suprema,*" RM: "Lescha *suprema,*" EN: "*Supreme* legislative act"—italic emphasis added) but the (thus non-binding because inequivalent) French-language (FR: "Loi fondamentale") version.

[17]formed by two chambers, namely the National Council and the Council of States [23]

Quotation 4: Causing fear and alarm among the general public [116, Article 258]

> *Any person who causes fear and alarm among the general public by threatening or feigning a danger to life, limb or property shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.*

(German: *Bundesverordnungen*), issued by the Swiss Federal Council (the government, with a *primus-inter-pares* head of state).[18] Besides this *collective* federal law issued to the entire Swiss population by the parliament and the government, respectively, there is the *individual* federal law issued to single individuals by the organs of the Swiss public administration, namely the so-called (ordinary) *decrees* (German: *Verfügungen*). These individual decrees are not to be confused with the so-called (collective) *federal decrees* issued by the Federal Council in states of emergency, which this government declares alone [41, Article 185] and by which it disempowers the parliament! *De jure,* it is the Swiss people who are (and love calling themselves) the *Sovereign* [107, Paragraph 1] of the Swiss Confederation, which we love calling *direct-democratic* or *nation-state*,[19] or both. Yet *de facto*, the Swiss people do not deign to act sovereign anymore, as their typically low, media-made, and government-approving participation in national elections, referenda, and initiatives proves.

The Sovereign, noblesse de robe imaginaire sans épée civique, voire sans épée tout court

Linguistic topos   German, French, Italian, and Romansh (not Romanian) are the Swiss national languages [41, Article 4], with Latin and English being used as diplomatic surrogates in cases of impractical textual co-existence (e.g., on coins) and impractical communication (civic laziness), respectively. German is an administrative and ceremonial surrogate for at least 20 main Swiss-German dialects. These dialects tend to be cultivated by the Swiss-Germanics (not Swiss-Germans) but regarded as uncivilised by the Swiss-Latins (not Swiss-Latinos). German, French, and Italian are the official written languages of the Swiss federal administration, including the judiciary.

Proposal 7 (Declaration of states of emergency). Any nation-wide state of emergency on Swiss territory is to be declared exclusively by the Swiss Federal Assembly [23] with a majority of four fifths. Any such declaration (of excess state powers) is to be subjected immediately to a people's referendum and to be revoked exclusively thereby, by the Swiss Federal Assembly with a simple majority, or through a popular initiative. In such states, the burden of proof for the necessity of any proposed state action is on the state (principle of *dis*trust from the citizens towards the state).

The Sovereign tout court

This proposal is in the good old anarchistic[20] spirit of our Swiss ancestors, which is still incarnated in the designation of the commander-in-chief of the Swiss armed forces in times of (non-civil) war: it is an election by the Swiss Federal Assembly (form) for exactly the duration of the war (function). Our proposal contributes to mending the integrity of the Swiss sovereign by amending the anti-constitutional state of affairs that the Swiss people is the *de jure* sovereign (short, the Sovereign), while the Swiss Federal Council may turn out to dysfunction as the *de facto* sovereign. The justification for the four-fifth majority in the proposal are the following two empirical facts.

form follows function

Fact 4 (Simple democracy is unfit for authoritarian conflict.). There is no popular sovereignty in authoritarian conflict, because more than a simple majority of people—even adequately informed—tend to lose their sovereignty of mind under *(vertical) authoritarian* pressure [7, 8, 9].

the psychology of sheeple

Fact 5 (Democracy requires logical law.). Popular sovereignty is susceptible to (irrational) group think, and thus requires logical law as a safeguard, because three quarters—even adequately informed—tend to lose their sovereignty of mind under *(horizontal) group* pressure [10, 11, 12].

the wisdom of crowds

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[18]without a head of state more powerful than the other federal councillors—or without head *tout court* [45]

[19]In more precise Swiss jargon, a *nation of will,* that is, a nation formed by a stated shared will of joint citizenship, a kind of collective marriage of reason—of (not) wanting (conjoint) disjoint citizenship with other, neighbouring folks. By the way, note that only non-neutral nation-states are problematic for other societies. Neutrality inherently generalises non-violently, whereas non-neutrality (nationalism) need not—actually has not, and will likely never.

[20]in the original sense of the word: without rule*r, not* without rule*s*

Quotation 5: Subversive propaganda ((**foreign** ∧ **violent**) ⇔ **criminal ?**) [116, Article 275$^{\text{bis}}$]

> *Any person who disseminates foreign propaganda which is intended to bring about the violent overthrow of the constitutional order of the Confederation or a canton shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.*

Under the (direct-democratic) rule of logical law, and only under such rule, a single publicly-verifiable proof may refute the false group think (or only doublespeak) of even an $n-1$ erring majority, and thus save it from itself and the clear-minded minority from ochlocracy [13]. See [101] and [76] for surely-qualified opinions on the derogation of ordinary law in extraordinary times.

Proposal 8 (Direct-democratic dismissal of federal councillors)**.** Swiss federal councillors (elected into office by the Swiss Federal Assembly [23]) may be re-elected at most once, and are to be removable from their office at any time through a popular initiative in the sense of Proposal 1.

bottom ousts top ⚠

Proposal 9 (Direct-democratic and rule-of-law contestation of emergency acts)**.** Swiss federal emergency acts (German: *dringliche Bundesgesetze*), that is, federal acts issued in a state of emergency, are to be contestable not only through mandatory referendum [111] but also in a Swiss Constitutional Court (see Proposal 14) for their logical consistency with the Swiss Constitution.

Proposal 10 (Rule-of-law contestation of federal decrees)**.** Swiss federal decrees (German: *Notverordnungen*), that is, federal ordinances issued in a state of emergency, are to be contestable in a Swiss Constitutional Court for their logical consistency with the Swiss Constitution [96].

Definition 1 (Binding law)**.** A piece of Swiss law is *binding,* by definition, if and only if the piece is in force, it is the official on-line version (of some—if any—official printed version), and it is the German-language version or (judged to be) equivalent to (and thus consistent with) that version. (Any piece of Swiss law that is *not binding* in this sense is called—and is—*non-binding* law.)

Remark 2 (Consistency versus equivalence for binding law)**.** In Definition 1, it is not enough to stipulate (weaker) consistency instead of (stronger) equivalence, because of otherwise possible implications (but not equivalence) between different-language versions, which would then possibly produce different jurisdictions for equivalent cases across languages, and thus produce injustice.

Principle 6 (Law is binding if and only if it is applicable.)**.** Any non-binding law (i.e., law that is not in force or not the official on-line version or not equivalent to the German-language version) is inapplicable law, and, conversely, any binding law should of course be (trivially) applicable law.

Principle 7 (Illogical law is inapplicable law.)**.** Illogical law is (to be) inapplicable.

Corollary 5 (Illegal law is inapplicable law.)**.** Illegal law is inapplicable.

Proof. By Principle 3 and Principle 7. ∎

Proposal 11 (Penalisation of legislating or applying inapplicable law)**.** Legislating or applying inapplicable law intentionally or in gross negligence is to be subjected to criminal penalty.

Proposal 12 (Penalisation of not applying applicable law)**.** Not applying applicable law intentionally or in gross negligence is to be subjected to criminal penalty. In particular, state—cantonal and especially, federal—prosecutors who do not prosecute or who unduly delay the prosecution of a perpetrator of an *ex-officio* crime commit themselves an—even graver—*ex-officio* crime thereby.

1.1.2 Goal

The goal of this paper is to answer Question 1 by presenting an—if not the—un- and even anti-constitutional root cause, as well as to propose concrete corrective action as remedy, including amendment of the Swiss Constitution [41], Criminal Code [116], and Procedure Codes [105, 104].

rule of law regained

Quotation 6: Reminder of the upholding of fundamental rights [41, Article 35]

> 1. *Fundamental rights must be upheld throughout the legal system.*
>
> 2. *Whoever acts on behalf of the state is bound by fundamental rights and is under a duty to contribute to their implementation.*
>
> 3. *The authorities shall ensure that fundamental rights, where appropriate, apply to relationships among private persons.*

1.1.3 Purpose

The purpose of this paper is to contribute to preventing the apocalyptic chaos of democratically-enabled tyrannical rule, as happened in Weimar-Germany [14], as is happening in woke Switzerland, and as had already been theorised if not predicted by Plato [15]—especially through state-fabricated states of emergency or media-manipulated referendum, or both. This paper is meant to serve as educational material for political lessons about the dangers of legitimised logical inconsistency legalising arbitrary jurisdiction—especially when catalysed by state-subsidised media fear-mongering people into voting against their own interests as free citizens of a direct-democratic nation-state. Such are citizens with sovereignty of their own mind, hard-earned through honest learning.[21] Such is a nation-state originating in the common will of standing together against tyranny [119, 78]. And such is a nation-state administered by civil servants subject to the rule of law (and thus logic, the self-defence weapon *par excellence* of the Greco-Roman Judaeo-Christian individual's choice).

[margin: self-inflicted tyranny averted]

[margin: unchecked, unbalanced]

1.2 Gödel's loophole

The main legal root cause for (falsely) legalised anti-constitutionality in the Swiss Confederation is a loophole of Gödelian type in the Swiss Constitution, as I shall be proving in Section 2.

[margin: legalised anti-constitutionality]

Definition 2 (Gödelian loophole)**.** A loophole of Gödelian type, short, a *Gödelian loophole,* is a(n explicit or implicit) loophole (presence or absence of articles, or a mix of both) in the political constitution of a state (a political organisation with a population and a territory, and thus borders) that opens up the possibility of legally overthrowing the order defined by that very constitution.

[margin: hole by pre- or absence]

Fact 6 (Gödelian loopholes imply constitutional self-referentiality.)**.** By definition, any Gödelian loophole in a political constitution $\mathcal{C}$ implies constitutional self-referentiality in that it is (an explicit or implicit) part of $\mathcal{C}$ (and thus of a legal codex), whose purpose is to codify lasting laws of justice (e.g., human rights), which thus are to remain essentially invariant, but at the same time also enables the potential breaking of those invariants, and thus to defeat the original purpose of $\mathcal{C}$.

[margin: constitutional self-referentiality]

Lemma 1 (Gödelian loopholes imply constitutional inconsistency.)**.** If there is a Gödelian loophole in a political constitution $\mathcal{C}$ (a set of statements), then there is some constitutionally necessary state of affairs that makes $\mathcal{C}$ inconsistent, that is, falsehood $\bot$ is deducible from $\mathcal{C}$, written $\mathcal{C} \vdash \bot$.

[margin: constitutional inconsistency]

Proof. By definition, any Gödelian loophole in a political constitution $\mathcal{C}$ implies that there is some legally necessary state of affairs directly or indirectly (through deduction $\vdash$) stipulated in $\mathcal{C}$, say a prescription $\mathcal{C} \vdash \Box A$ or a proscription $\mathcal{C} \vdash \Box\neg A$, but whose negation nevertheless is legally possible, that is, permitted, $\mathcal{C} \vdash \Diamond\neg A$ (permitted violation of the prescription) and $\mathcal{C} \vdash \Diamond\neg\neg A$ (and thus $\mathcal{C} \vdash \Diamond A$ thanks to the Boolean tautology $\neg\neg A \leftrightarrow A$, permitted violation of the proscription), respectively: $\mathcal{C} \vdash (\Box A \wedge \Diamond\neg A) \vee (\Box\neg A \wedge \Diamond A)$. However, $\mathcal{C} \vdash (\neg\Diamond\neg A \wedge \Diamond\neg A) \vee (\neg\Diamond\neg\neg A \wedge \Diamond A)$, thanks to the classically-modal law $\Box B \leftrightarrow \neg\Diamond\neg B$. Thus, $\mathcal{C} \vdash (\neg\Diamond\neg A \wedge \Diamond\neg A) \vee (\neg\Diamond A \wedge \Diamond A)$, which is an instance of $\mathcal{C} \vdash (\neg C \wedge C) \vee (\neg D \wedge D)$, which simplifies to $\mathcal{C} \vdash \bot \vee \bot$, and thus to $\mathcal{C} \vdash \bot$. ∎

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[21]but alas lost by their own fault, through laziness and cowardice encouraged by a corrupt system of perverted education unbalanced by unchecked progressively-left-authoritarian ideology: indiscriminate inclusion of students (indifference to educational potential), discriminatory exclusion of teachers (cancel culture, character assassination), collective (racist, religious, sexual, etc.) over individual (thought, speech) diversity, undeserved equality of outcome (illegitimate claim of equal having) over equality of opportunity, hence disincentivisation of desirable difference and thus merit (race to the bottom, favouring value of being and its signalling over value of thinking and daring)

Diagram 2: Classic square of normative oppositions (modal logic)
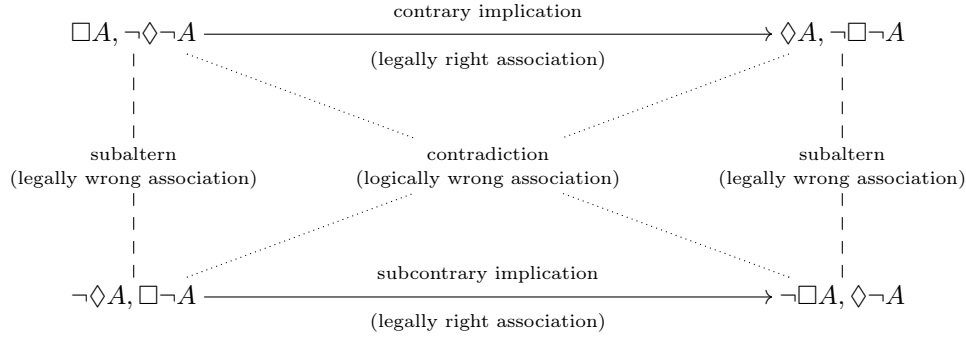
Principle 8 (Inconsistency-producing procedural law is illogical law.). Procedural law producing inconsistent (material or procedural) law is illogical (equivalently, illegal, and thus inapplicable).

Fact 7 (Wilful introduction of inconsistency into legal code is abuse of law.). The wilful introduction of inconsistency (and thus arbitrariness) into legal code is (most severe) abuse of law.

inconsistency introduction as abuse of law

See Paragraph [117, Article 2, Paragraph 2] and [77] for the abstract concept of the abuse of law.

Proposal 13 (Penalisation of gross constitutional violations). Any gross violation of a political constitution implying the violation of a sacrosanct human right (as originally intended by the European Enlightenment, see Quotation 1, 2, 6, and 7) is to be proscribed in criminal code, is to constitute an indictable offence (felony), is to be prosecuted *ex officio*, and is to be punished with the life-long imprisonment of the violator. This proposal is to be elevated to international law.

the value of sacrosanctity

Proposal 14 (Direct-democratic constitutional court). A direct-democratic constitutional court (popular meta rule of law, legal-bug bounty program) is to be created where any Swiss citizen can submit online a proof of a flaw (bug) in the Swiss legal codex or the Swiss case law from first (constitutional and ECHR) principles and case law [34, 75, 73, 62]. The constitutional court is then to verify the proof in due course and good faith and, if necessary and possible, correct it constructively, if necessary, interactively with the proof submitter and under the public eye of the freely-commenting Internet community. First principles that are not deducible from (and thus not included in) the conjunction of the Swiss Constitution and the ECHR but that are necessary for the possibly-corrected proof to succeed are to be submitted to the Swiss voters for a corresponding amendment of the Swiss Constitution in due course and good faith. Contributors to the corrected proof are to be rewarded for their contribution as if they were constitutional judges themselves.

direct-democratic control of the rule of logical law

Such a peacefully-interactive co-constructive court would function as best-possible pre-emption of civil disobedience and civil unrest (making them unnecessary) [85], and would solve the current political impasse in this matter [53]. Note that the European Court of Human Rights (ECHR) already acts as a constitutional court of the Swiss Confederation, but only for Swiss law that violates the European Convention on Human Rights (ECHR). Hence, there still is no court that could declare as illegal Swiss federal law that violates the Swiss Constitution but not the ECHR.

Principle 9 (Legal necessity as permission). The legal necessity (e.g., prescription) $\Box A$ of a state of affairs A (i.e., A must legally be the case, or in other, equivalent words, A is mandatory) is equivalent to the negation $\neg\Diamond\neg A$ of the permission $\Diamond\neg A$ of the negation $\neg A$ of A (i.e., the negation $\neg A$ of A may not legally be the case, or in other, equivalent words, $\neg A$ is not permitted). More succinctly, formulas like $\Box A \leftrightarrow \neg\Diamond\neg A$ (prescription as permission, e.g., $\Box\neg B \leftrightarrow \neg\Diamond\neg\neg B$ and thus equivalently $\Box\neg B \leftrightarrow \neg\Diamond B$, proscription equals non-permission) and thus equivalently (by contraposition) $\neg\Box A \leftrightarrow \neg\neg\Diamond\neg A$ and thus equivalently $\neg\Box A \leftrightarrow \Diamond\neg A$ (permission as prescription, i.e., the negation $\neg A$ of any state of affairs A that is not mandatory is permitted, e.g., $\neg\Box\neg B \leftrightarrow \Diamond\neg\neg B$ and thus equivalently $\neg\Box\neg B \leftrightarrow \Diamond B$, non-proscription equals permission) are deontic validities.

modal logic: $\Box A \leftrightarrow \neg\Diamond\neg A$, $\Box\neg B \leftrightarrow \neg\Diamond B$, $\neg\Box A \leftrightarrow \Diamond\neg A$, $\neg\Box\neg B \leftrightarrow \Diamond B$

Quotation 7: Reminder of the rule of law in Switzerland [41, Article 5]

1. *All activities of the state are based on and limited by law.*

2. *State activities must be conducted in the public interest and be proportionate to the ends sought.*

3. *State institutions and private persons shall act in good faith.*

4. *The Confederation and the Cantons shall respect international law.*

The legal concepts of pre- and proscription, and permission as well as their implicational inter-relations ([bi]implications, equivalences, as captured by the preceding and following validities) can be visualised as displayed by Diagram 2 (see [129] for more information on the square of oppositions). Related to the preceding, dualistic principle is the following, positive principle.

Principle 10 (Legal necessity implies permission.)**.** The legal necessity $\Box A$ of a state of affairs A implies the permission $\Diamond A$ of A. More succinctly, formulas like $\Box A \to \Diamond A$ (e.g, $\Box \neg B \to \Diamond \neg B$, proscription implies the permission of the negated proscription) and thus equivalently $\neg \Diamond A \to \neg \Box A$ (i.e., anything not permitted is also not mandatory, e.g, $\neg \Diamond \neg B \to \neg \Box \neg B$) are deontic validities.

modal logic: $\Box A \to \Diamond A$, $\Box \neg B \to \Diamond \neg B$, $\neg \Diamond A \to \neg \Box A$, $\neg \Diamond \neg B \to \neg \Box \neg B$

Note that the converse of the preceding implication must not be valid, and thus is not a deontic validity. Otherwise, permission equals prescription, like in a Huxley-Orwellian-dystopian state of robotic transhumans, where there is no freedom of choice (and thus no human non-determinism).

Principle 11 (Conceptual soundness implies consistency.)**.** Any association between states of affairs that is logically wrong in the sense of associating contradictory statements about those states is also conceptually (legally, here) wrong (inconsistency implies conceptual unsoundness). That is, (logical) consistency is a necessary (but not sufficient) condition for conceptual soundness.

The original Gödelian loophole, *Gödel's loophole,* is a loophole in the Constitution of the United States of America (USA) found by the mathematical logician Kurt Gödel (see [48, Page 179–181][22] and [63]). Gödel, born Austrian, had escaped to the USA from Nazi-Germany in 1940 and had obtained employment in the USA at the Institute of Advanced Studies (IAS) in Princeton, New Jersey [21], reportedly found the loophole in 1947 when preparing for the hearing for his American citizenship. Therefor, he dutifully and meticulously studied the American Constitution. Naturalisation required two witnesses testifying for the worthiness of the candidate. Gödel's witnesses were two of his colleagues at the IAS, namely Albert Einstein and the economist[23] Oskar Morgenstern, who themselves had managed to escape from Nazi-Germany, had been invited to the IAS, and had become American citizens. Gödel's worth as a scientist was such that [70, Page 4] Einstein used to tell that he, Einstein, would go to his office "just to have the privilege of walking home with Kurt Gödel," and the physicist Freeman Dyson, another IAS-colleague of the two kinsmen, observed "Gödel was [...] the only one of our colleagues who walked and talked on equal terms with Einstein." The author of [70] states on Page 4 of his book about the bond between Einstein and Gödel: "United by a shared sense of intellectual isolation, they found solace in their companionship." See Appendix A for an attempted summary appreciation of Gödel's eminent significance.

contour of the unholy loophole precedent

What exactly Gödel's loophole is, first, is unknown since only imprecise accounts of his critical finding are known (see [63], where such first- to fourth-hand accounts are cited in Footnote 6), and, second, is "one of the great unsolved problems of constitutional law" (quote from [63, Page 2]). However, the author of [63] makes the following argued conjecture on Page 3 of his article:

the likely precedent itself

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[22]The author, though not the only biographer of Gödel, is also the cataloguer of Gödel's *Nachlass* and a co-editor of his collected works [56], and thus arguably a—if not the—distinguished biographer of Gödel [48, Page xi].

[23]and co-founding father of game theory together with his IAS-colleague, the mathematician John von Neumann, who was also a European escapee and naturalised American citizen, and then a leader in the Manhattan-Project (see https://www.logicomix.com for an illustrated description of the biotope of these giants and their kin)

> [. . .] the problem with the Constitution is the amending power in Article V and the logical possibility of "self-amendment." In brief, if the amending clause of the Constitution can itself be amended, then all express and implied limitations on the amending power might be overcome through a constitutional self-amendment.

Gödel's serious concern that he voiced at his hearing was the possibility of legalised dictatorship being legally introduced into the American legal codex (and thus society), because of an inconsistency in the American Constitution he had discovered, according to the author of [63] through the above-cited self-referential Article V. Perhaps fortunately for Gödel, his judge, Philip Forman, the same who had administered the oath of citizenship to Einstein, did not pursue Gödel's concern.

1.3   Conventions

Prerequisites   We require comprehension of mainly English and to a lesser extent German as well as basic know-how of elementary logic, including naïve modal logic (legal necessity, i.e., pre- and proscription, and legal possibility, i.e., permission) as well as naïve set theory (pre- and proscriptions, and permissions by complement and containment, respectively) (see [130] and [50]).

Methodology   We apply a standard (logical, and thus deductive) methodology of the formal[24] (and thus exact) sciences (because our problem at hand is one of the human mind): first, observe reality (understand the implications of one natural-language sentence, i.e., Article 190 of the Swiss Constitution),[25] second, formulate well-posed questions (problems) about the observations made, third, study the relevant sources and select important quotes and (longer) quotations therefrom, fourth, answer the questions (solve the problems) by means of justified logical reasoning, and finally, fifth, explain and discuss the solutions. Logical reasoning proceeds by making useful definitions (facilitating proof), then by producing results, that is, by observing (obvious) facts (without proof) and by asserting lemmas (with proof, for theorems) and then theorems (with proof), and finally by making proposals for the improvement of the state of the art (if not advancement of the human science of law). In that, we hope to offset "the closed-minded and anti-science bias of most members of the legal profession generally" (writes a professor of law in [63, Page 14]), which tends to produce faulty jurisprudence and thus unjust jurisdiction to the point of endangering whole nation-states (by permitting unfriendly take-overs, e.g., through the WHO-pact health protection racket [112, 91]). Note that proof (within a consistent theory) obviates opinion: one proof refutes all those opinions that reject the proof goal—as authority-faking as they may be. Deductive reasoning has also the distinctive advantage of opening up the possibility of discovering or inventing the principles that are required to make the proofs succeed. These principles may then be enshrined into a (renascent) corpus of deontic axioms (reverse jurisprudence, in analogy to reverse mathematics [16]) [99].

Sources   Our bibliography on Page 26–32 contains the primary sources for the present paper, together with the page references, hyperlinked back to the page (P.) or pages (PP.) where they are cited in the main text. The bibliography is complemented with secondary sources hyperlinked in footnotes. We use Encyclopædia Britannica [52] as an authoritative general reference, the Stanford Encyclopedia of Philosophy [131] as an authoritative, more technical reference, and Wikipedia [128] as an entry rather than a reference point for more contextualised content. All sources for which I have found a digital object identifier (DOI) are DOI-hyperlinked. Supplementary hyperlinks that may be fragile and thus break have been hidden in occurrences of the ⬀-handle. I have pointed out the danger of Art. 190 BV to individuals and civil-rights groups from Autumn 2021 onward.

Polyglottism   We mainly use English as meta-*lingua franca,* to make comments about the legal texts under scrutiny, German as the main object language, to make quotations of the legally-binding version of those texts, and latin languages as complementary and connotational languages.[26]

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[24]as opposed to the empirical sciences, where (not only thought) experiments are made, and as opposed to postmodern discoursing, which rejects logic and regresses to naïvely-topological in- and out-group associations

[25]In the natural sciences, observation means measurement.

[26]Use `https://www.deepl.com` for (tentative) translation, if needed.

Quotation 8: Definition of applicable law—open to interpretation [41, Article 190]

Massgebendes Recht	*Bundesgesetze und Völkerrecht sind für das Bundesgericht und die anderen rechtsanwendenden Behörden massgebend.* ⎘
Droit applicable	*Le Tribunal fédéral et les autres autorités sont tenus d'appliquer les lois fédérales et le droit international.* ⎘
Diritto determinante	*Le leggi federali e il diritto internazionale sono determinanti per il Tribunale federale e per le altre autorità incaricate dell'applicazione del diritto.* ⎘
Dretg decisiv	*Leschas federalas ed il dretg internaziunal èn decisivs per il Tribunal federal e per las autras autoritads incaricadas d'applitgar il dretg.* ⎘
Applicable law	The Federal Supreme Court and the other judicial authorities apply the federal acts and international law. ⎘

Typography This paper has been typeset with LaTeX, the classic for typesetting print-ready manuscripts in the exact sciences. All Web-links are actionable (clickable) hyperlinks in the PDF-version of the paper, and have been checked for liveness on the publication date of the paper.

2 The Swiss Loophole

2.1 Article 190 BV: what is applicable law in Switzerland?

Article 190 of the Swiss Constitution [41], short, Art. 190 BV, stipulates what is applicable law in Switzerland (see Quotation 8). Surely the most striking feature of the five different formulations is the use of four different adjectives to qualify that law: *Massgebendes* in German (the legally binding version, *definitive* according to the Oxford German-English dictionary),[27] *applicable* in French (imported into English most probably from Old-French or else Latin) and in English, *determinante* in Italian (*decisive* according to the Oxford-Paravia Italian-English dictionary), and *decisiv* in Romansh.[28] Logically-inclined readers might be puzzled by the (conditionally legally-binding) French and the (legally non-binding) English-language version, since each version implies (by adjective identity) that some laws are more equal than others. That is, there are laws that are applicable (as explicitly stated), but then there must also be laws that are not (junk laws). (Otherwise, what is the point of declaring applicable law when there is no law that is not?) Thus, the French- and the English-language version of Art. 190 BV partitions the Swiss legal codex that is in force in the respective language in applicable and inapplicable law. (Since law that is not in force anymore or not in force yet is trivially inapplicable.) Yet then what on earth is the *raison d'être* of such a schizophrenic corpus of codified law, whose original purpose was to be applicable in its entirety? (Otherwise, what is the purpose of codifying inapplicable law? Doing it still would be make-believing junk law to be applicable, which would be a criminal offence, would it not?)

Some laws are more equal than others.

2.1.1 Outcomes from the French-language version

Notice that the French-language version of Art. 190 BV is the only one to explicitly suggest that there be an obligation to apply applicable laws (*sont tenus d'appliquer*). The other versions are, strictly speaking, merely descriptive (neither explicitly prescriptive nor explicitly proscriptive).

Lemma 2 (On the meanings of applicable law). (*Massgebend* or *determinante* or *decisiv*) implies *applicable*. However, the converse is not true; that is, the implication is not an equivalence.

Proof. By inspection of the linguistic definition of each term in any corresponding dictionary. ∎

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[27]This happens to be somewhat punny, because of the doubly-binding character of the legal declaration.
[28]The consulted Oxford dictionaries are those of the current Apple-computer operating system.

Remark 3 (Applicability and non-determinacy)**.** Each adjective in the antecedent of the implication of Lemma 2 attributes an authority to resolve situations of non-determinacy to applicable law (*decisive, definitive*), whereas the adjective in the consequent ("applicable") does not.

Surely only coincidentally, these anteceding adjectives are from ancestral (least-mixed) languages: German (closest to Germanic) as well as Italian and Romansh (closest to Latin). Could perhaps greater diversity (richness) imply weaker cohesion (a smaller common ground of shared meaning)?

Theorem 2 (*Art. 190 Cst.* is inapplicable law.)**.** The French-language version of Art. 190 BV, short, *Art. 190 Cst.,* is legally non-binding and thus inapplicable (actually anti-constitutional) law.

Proof. By Definition 1, Principle 6, and Lemma 2 (recall Remark 2). ∎

2.1.2 Outcomes for all language versions

Given that the notion of mere legal applicability is implied by the other three, stronger notions, it is most economical to prove the existence of our Swiss loophole for all notions by proving the existence for the weaker notion and then by deducing the existence for the stronger notions by way of that implication. The following two delimiting definitions turn out to be helpful in our proof.

Definition 3 (Open interpretation of Art. 190 BV)**.** An open interpretation of Art. 190 BV is to construe the meaning of the interpretable article more precisely as "The Federal Supreme Court and the other judicial authorities apply the federal acts and international law, *and other law.*"

Note that there are multiple such open interpretations due to there being multiple pieces of other law from which to choose. Unfortunately, such multiplicity and thus non-determinacy of legal choice produces ambiguity of legal interpretation and thus uncertainty of law. Yet definitions of legal applicability, like Art. 190 BV, if not definitions *tout court,* should whenever possible—like here (see below)—be unambiguous. Otherwise, jurisdiction becomes legislation, which not only undermines the separation of powers but also increases the uncertainty of the law through forced but for laypeople unpredictable judgements of legal disambiguation. Moreover in topoi of codified (as opposed to common) law, like the Swiss topos, such *de facto* legislating jurisdiction must be minimised. All this forms a strong argument *against* open interpretations of Art. 190 BV. Fortunately, their complement defines a singleton set, that is, a unique and thus an unambiguous interpretation of Art. 190 BV, which should thus be its definitely-preferred interpretation.

[margin: uncertainty of the law / separation of powers / accessibility of the law]

Definition 4 (Closed interpretation of Art. 190 BV)**.** The closed interpretation of Art. 190 BV is to construe the meaning of the interpretable article more precisely as "The Federal Supreme Court and the other judicial authorities apply the federal acts and international law*, and* **no** *other law.*"

Notice that Definition 3 and 4 jointly partition all interpretations of Art. 190 BV into two (disjoint) subsets (that jointly cover all its interpretations). We may thus proceed by means of the elementary-logical principle of exhaustive (and even disjoint)[29] case analysis[30] in our proof of existence.

Lemma 3 (The Swiss loophole)**.**

1. The closed interpretation of Art. 190 BV is a(n explicit) Gödelian loophole in the Swiss Constitution in the sense that the article evacuates the Constitution of its substance (and thus—*en passant*—contradicts [41, Article 35, Paragraph 1 and 2], see Quotation 6).

2. Any open interpretation of Art. 190 BV is void, that is, devoid of information (aside this meta-information), and thus is also a loophole in some other, non-Gödelian sense.

Proof. (1) Let us suppose the closed interpretation of Art. 190 BV. Then in the (quasi-)hierarchical Swiss corpus of law, the Swiss Constitution (*Bundesrecht,* above and thus not *Bundesgesetz*) constitutes other law than federal acts (*Bundesgesetze,* to be derived from—or at least to be consistent

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[29]disjointness is not even necessary for deduction by case analysis

[30]$(\underbrace{((A \lor B) \leftrightarrow \top)}_{\text{exhaustive}} \land \underbrace{((A \land B) \leftrightarrow \bot)}_{\text{disjoint (e.g., } B \leftrightarrow \neg A)}) \to (\underbrace{((A \to C) \land (B \to C))}_{\text{(binary) case analysis}} \to C)$

with—*Bundesrecht*) and international law (mandatory, such as the ECHR [44]—or not!). Hence, the Federal Supreme Court and the other judicial authorities are not to apply the Swiss Constitution (thus including all the fundamental rights that the Constitution is to guarantee)! Thus, Art. 190 BV practically evacuates the whole Constitution by direct reference to the complement of the Constitution (what the Constitution is not) and thus by indirect reference to itself (indirect self-reference). (2) Now let us suppose open interpretation of Art. 190 BV. Then such interpretation is merely descriptive of the legal triviality that in principle, law is not to be ignored but to be applied. Hence, not only is such interpretation not prescriptive but also is it not even informative (conveying no news)[31] and thus irrelevant to (garbage-collectable from) the Swiss legal codex. ■

2.2 Article 190 BV: self-applicability and -application!

Theorem 3 (The self-filling of the Swiss loophole)**.** Art. 190 BV is inapplicable law.

Proof. In the closed interpretation of the article, by the fact that the article evacuates the whole Swiss Constitution and thus with it also itself (Lemma 3, Point 1), and in any open interpretation, by the irrelevance (redundancy) of the article to the Swiss legal codex (Lemma 3, Point 2). ■

Hence in any interpretation and language version (recall Lemma 2 and our proof strategy from the start of Section 2.1.2), Art. 190 BV is—luckily—garbage-collectable from the Swiss Constitution.

Proposal 15 (Garbage-collection of Art. 190 BV)**.** Garbage-collect Art. 190 BV (and thus also Art. 189 BV, Paragraph 4) from the Swiss Constitution as a matter of administrating justice.

administration of justice

Proposal 16 (Replacement of Art. 190 BV)**.** Replace Art. 190 BV by the following statement: "The applicability hierarchy of Swiss law is: Swiss ordinary law rules Swiss emergency law; the Swiss Constitution rules Swiss federal acts, which rule Swiss federal ordinances; a piece of international law is Swiss law if and only if that piece has been integrated into the Swiss Constitution by way of a people's referendum with a (double) four-fifth majority approval by the Swiss voters and the Swiss cantons; Swiss federal law rules Swiss cantonal law, which rules Swiss communal law; Swiss collective law rules Swiss individual law. Thereby, "*A* rules *B*" implies "*B* is subsidiary to *A*".[32]

codified hierarchy of codified law

Theorem 4 (Violation of mandatory international law)**.** Art. 190 BV in its closed interpretation and, through it, the Swiss Constitution is inconsistent with—and thus violates—the ECHR.

Proof. Consider that there is a non-empty intersection of non-alienable rights that the Swiss Constitution (legally below) and (thus *a fortiori*) the ECHR guarantees and even confirms, respectively, such as the freedom of the expression of one's opinion (Art. 16 BV), which is implied by the (human right of the) freedom of expression (Art. 10 ECHR). However on the one hand, such articles constitute not only applicable (international) law to the Swiss legal codex by Art. 190 BV, but also mandatory law (to be applied!) by the obligation to respect human rights (Art. 1 ECHR). Yet on the other hand, Art. 190 BV in its closed interpretation also stipulates the inapplicability of those (mandatory) articles (because being in the above-mentioned intersection, they are also part of the Swiss Constitution, which is inapplicable law in such an interpretation)! Hence, the Swiss Constitution is (logically) inconsistent with—and thus (legally) violates—the (Art. 1) ECHR. ■

Corollary 6 (Miscarriage of justice)**.** Any application (be it explicit or implicit) of Art. 190 BV by the Federal Supreme Court or the other judicial authorities constitutes miscarriage of justice.
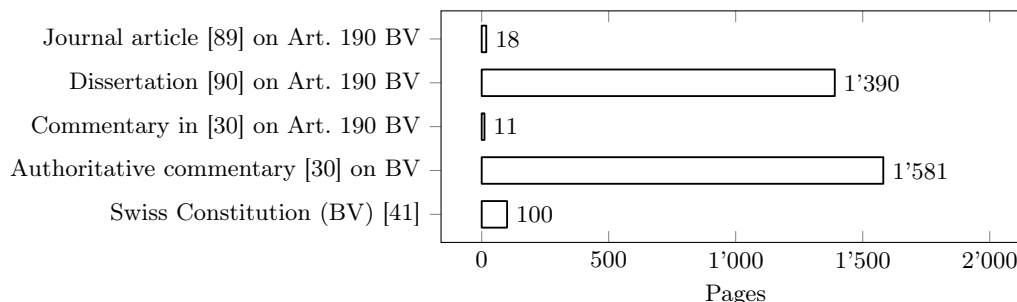
Proof. By the natural-law proscription of applying illogical and thus inapplicable law (Corollary 4), particularly when such law violates mandatory international law like the ECHR (above BV). ■

Corollary 7 (Miscarriage of legislation)**.** Any Swiss federal act (be it approved through a people's referendum—or not) and Swiss federal ordinance (be it issued in a state of emergency—or not) that is inconsistent with the Swiss Constitution or the ECHR constitutes miscarriage of legislation.

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[31]the union, say $\mathcal{S} \cup \mathcal{C}$, of legal content $\mathcal{C}$ that is already contained in $\mathcal{S}$ equals $\mathcal{S}$: $\mathcal{C} \subseteq \mathcal{S} \to \mathcal{S} \cup \mathcal{C} = \mathcal{S}$

[32]Swiss subsidiarity implies that any political issue that may be legislated at a lower level of the applicability hierarchy of Swiss law for the better common good, must be so.

Diagram 3: Proportionality of jurisprudence about Art. 190 BV (1 sentence)

Journal article [89] on Art. 190 BV — 18
Dissertation [90] on Art. 190 BV — 1'390
Commentary in [30] on Art. 190 BV — 11
Authoritative commentary [30] on BV — 1'581
Swiss Constitution (BV) [41] — 100

0   500   1'000   1'500   2'000

Pages

Proof. By the natural-law proscription of legal inconsistency (see Corollary 4 and Principle 8). ∎

Proposal 17 (Penalisation of the miscarriage of legislation or justice)**.** Miscarriage of legislation or justice (Proposal 11 or 12) implying the violation of a sacrosanct human right is to be proscribed in criminal code, is to constitute an indictable offence (felony), and is to be prosecuted *ex officio.*   civil zeal

Proposal 18 (Direct-democratic dismissal of federal judges)**.** Swiss federal judges (elected into office by the Swiss Federal Assembly [37]) may be re-elected into office at most once, and are to be removable from their office at any time through a popular initiative in the sense of Proposal 1.   bottom ousts top ⚠

2.3 Authoritative commentary on Article 190 BV

2.3.1 Context

The main authoritative commentary on Art. 190 BV (1 sentence, recall Quotation 8) is contained in [30] on roughly 11 pages. A remarkable earlier commentary [90] of 1'390 pages (!) is summarised in [89] on 18 pages (deflation $\approx$ 98.7%). See Diagram 3 for a rough visualisation of the proportions of relevant pieces of jurisprudence in the context of the Swiss Constitution [41] and its main commentary [30]. That a 1-sentence article in a political constitution would warrant 1'390 pages of comments is not evidence for the quality of that article nor (tax-funded) legislation. Rather is it   perverse incentives; TL;DR non-underwhelming evidence for the cultivation of the inaccessibility of Swiss law and thus justice [120], requiring expensive lawyers to unlock the law to the justice-seeking layperson—without success guarantee, and thus is it such evidence for the cultivation of the uncertainty of Swiss law.

The inaccessibility of the law to simple citizens has been apocalyptically demonstrated to the public eye—alas mostly *in absentia,* because absorbed in collectively-narcissistic self-adoration of its own hyper-moralistic levitation above the law and in zealous solidarity-signalling with totalitarian bullshit[33] [58] counter-measures—during the CoViD-protection racket in public-private partnership. No state attorney has had the courage to prosecute the commonly-known perpetra-   apocalypse in tors of the obvious crimes against humanity committed during this three-year media-induced mass   law hysteria and psychosis. Top-notch private attorneys with international armies of supporting scientists of equal notch are still fighting for justice—*pro bono* and against all the odds of states with tax-insured resources unbounded by money-printing-induced inflation and unbound by facts—but without success so far [87]. This is perhaps the strongest empirical proof of the complete farce of the Western rule of law. When you need it most, it works least for and most against you [94, 122].

Proposal 19 (Best-practice jurisprudence)**.** Tax-funded jurisprudence is to be streamlined by means of computers and Internet support where- and whenever the advantages of such support

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[33]Bullshitters choose to make true or false statements according to subjective utility in context, and thus are indifferent to the ethical or moral value of truth. To them, truth values are mere currency (head or tails). While liars deny the truth value of statements, and thus must uphold such denials once made. This is much more constraining than flipping between heads and tails. Thus, detecting the stake of liars requires only the debunking of a lie, whereas detecting the stake of bullshitters requires the discovery of a non-uniformity of a whole frequency distribution of their bullshit. Hence, unmasking bullshitters typically requires more resources than unmasking liars.

Quotation 9: Interpretation of the definition of applicable law [30, Page 1454]

> «Massgebend»: *Für die rechtsanwendenden Behörden* bindend *sind nicht nur die in BV 190 speziell genannten Normkategorien (Bundesgesetze, Völkerrecht), sondern* prinzipiell alle *generell-abstrakten Normen, d.h. auch die von Exekutivbehörden erlassenen Verordnungen. Unter der in allen Amtssprachen etwas missverständlichen Sachüberschrift («Massgebendes Recht», «Droit applicable», «Diritto determinante») will BV 190 sagen:*
>
> — *Bundesgesetze und völkerrechtliche Normen sind* stets *anzuwenden, dies* selbst dann, *wenn sie sich als* verfassungswidrig *erweisen sollten. – Umso wichtiger ist die sorgfältige Überprüfung der Verfassungskonformität einer geplanten Regelung im Rahmen des Gesetzgebungsprozesses im Bund [. . .]*
>
> — *Weder das Bundesgericht noch eine andere Behörde darf einem Bundesgesetz oder einer für die Schweiz verbindlichen völkerrechtlichen Norm unter Berufung auf ihre (angebliche oder erwiesene) Verfassungswidrigkeit die Anwendung versagen.*
>
> — *«Die Korrektur einer allfälligen verfassungswidrigen bundesgesetzlichen Regelung ist nach dem Willen des Verfassungsgebers allein Sache des Gesetzgebers, nicht der Gerichte» [. . .]; «das Bundesgericht kann lediglich den Gesetzgeber einladen, die fragliche Bestimmung zu ändern» [. . .]).*
>
> *Hingegen sind die Gerichte grundsätzlich befugt (und verpflichtet),* Verordnungen *vorfrageweise auf ihre Gültigkeit zu überprüfen und ihnen bei Verfassungswidrigkeit die Anwendung zu versagen (d.h. die verfassungswidrige Bestimmung zu «verwerfen»; dazu und zu Ausnahmen [. . .]).*

outweigh their disadvantages for the tax payers. The law is to be practiced in the logical spirit of the exact sciences rather than in the (pre-logical) analogical spirit of the humanities. The interpretation of law (e.g., a constitutional article) and the derivation of law (e.g., federal acts) from higher law (e.g., constitutional law) are to be formalised,[34] taught, and practiced with rigour. Law school is to include eliminatory courses on elementary and advanced formal logic. The outcomes of jurisprudence are to be of lyrical concision rather than epical comprehension. All judges and attorneys at law are to take a legally-binding equivalent of the Hippocratic Oath [25], are to accept communicating documents via secure instant messaging,[35] are to be publicly ranked with the number and the success rate of their court cases [24, 31], and attorneys are to bare the costs of their cases that have been definitely refused to be even taken charge of by the courts.[36] Cases refused by at least three free-market lawyers are to be taken charge of by a state-provided lawyer.

Proposal 20 (Rigour-based remuneration in public positions)**.** Salaries in public institutions (including academia) are to be directly proportional to the logical rigour practiced in these positions.

Proposal 21 (Computer- and Internet-aided decision-making in jurisdiction)**.** The administration of jurisdiction is to be streamlined by means of computer and Internet support where- and whenever the advantages of such support outweigh their disadvantages for the justice-seeking citizen [51]. Thereby, the advantages of human wisdom and final quality control are to outweigh the net worth (if any) of so-called *artificial intelligence* (particularly in the non-sense of pure-language models).[37]

See [20] and [93] for discussions of such support. The following proposal is to further strengthen the efficacy and efficiency of a (hopefully near-)future Swiss rule of logical law for the justice-seeking

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[34]This will likely involve a Galois-connection [47] between a domain of abstract law, e.g., the Swiss Constitution, and a domain of more concrete law, e.g., the Swiss federal acts, relating the two domains (of pre- or proscriptive statements) through a concretisation (interpretation) function from the abstract to the concrete domain and an abstraction (generalisation) function from the concrete to the abstract domain, thus relating the (order) relations of (logical) deduction in each domain—and similarly for domains of (topologically-defined) legal concepts (terms). The formalisation of (correct) analogical reasoning involves functors (`https://en.wikipedia.org/wiki/Analogy`).

[35]`https://threema.ch`

[36]like simple workers, who are liable for the defects of their work

[37]Rhetoric without logic, that is, language without `https://en.wikipedia.org/wiki/NP-completeness`.

Quotation 10: Control of the validity of certain laws by the courts of law [30]

> **Page 1418** *Die richterliche Bindung an das gesetzte Recht erstreckt sich (jedenfalls im Grundsatz) nur auf gültige, mit dem übergeordneten Recht im Einklang stehende Normen. Praxis und Lehre anerkennen ein entsprechendes* richterliches Prüfungsrecht *(Befugnis zur Normenkontrolle im konkreten Rechtsfall), soweit die Verfassung ein solches nicht ausdrücklich (BV 190: Bundesgesetze, Völkerrecht) oder stillschweigend ausschliesst. Die Normenkontrolle fällt nach zutreffender herrschender Auffassung in den Bereich der Rechtssprechung.*
>
> **Page 1421** *Die Verfassungsgerichtsbarkeit bildet im schweizerischen Justizsystem keinen eigenständigen Gerichtszweig. Fragen der Verfassungsmässigkeit können vielmehr grundsätzlich* vor allen Gerichten *zur Sprache kommen […].*
>
> **Page 1453** *«Normenkontrolle» meint: Überprüfung einer Rechtsnorm auf* Vereinbarkeit mit übergeordneten *Rechtsnormen, sei es unabhängig von einem konkreten Anwendungsfall (*abstrakte *Normenkontrolle), sei es vorfrageweise bei Beurteilung eines Einzelfalls (*konkrete *Normenkontrolle). Die zur Kontrolle berufene Instanz, meist ein Gericht, tritt dabei zwangsläufig in eine gewisse Konkurrenz zu den rechtsetzenden Behörden.*

citizen (the tax producer) and the (hopefully finally) justice-speaking judiciary (a tax consumer).

Proposal 22 (Introduction of class action lawsuits into Swiss procedural law)**.** The formal means of class action lawsuits is to be introduced into all branches of Swiss procedural law [105, 104].

See [102], [22], and [121] for discussion of such introduction.

2.3.2 Substance

On the question of what applicable law is in Switzerland, the main commentary [30] on Art. 190 BV states axiomatically (i.e., without justification[38] and thus non-deductively!) that binding[39] are not only the federal acts and international law,[40] but also all general-abstract norms,[41] that is, also all (thus not only federal!) ordinances issued by executive public administrations[42] (see Quotation 9). However notice that that commentary rightly points out that the subject matter of Art. 190 BV can be misunderstood in all (!) administrative languages. Further notice that the vocabulary of that matter is reused in the article itself, and thus the article itself can so be misunderstood!

Fact 8 (The interpretation of Art. 190 BV by [30] is open.)**.** The interpretation of Art. 190 BV by its main commentary [30] as recalled in Quotation 9 is open in the sense of our Definition 3.

Fact 9 (Closure of the interpretation of Art. 190 BV by [30])**.** The interpretation of Art. 190 BV by its main commentary [30] can be(come) closed in the sense of our Definition 3 (and thus becomes the corresponding subjective Gödelian loophole—with all lucky consequences) if and only if the law other than federal acts and international law is consistently derived from federal acts and international law and thus is essentially already included in all that law. Of course, any false or unproven claim of such derivation must be contestable in a direct-democratic constitutional court.

Fact 10 (The interpretation of Art. 190 BV by [30] is axiomatic.)**.** The interpretation of Art. 190 BV by [30] is properly axiomatic in the sense that the interpretation does not follow (logically) from anything else priorly stated, but may lead us to believe that it be law while it is actually not.

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[38]and this in so-called *authoritative* legal writing!

[39]Notice the (unjustified) use of "bindend" as a synonyme for "massgebend" and recall our (justified) Principle 6.

[40]Notice that there is no comment on why *non-mandatory* international law should be binding for Switzerland, and thus such law is suggested to be binding the Swiss since no further qualification of international law is given!

[41]thus not the (individual-concrete) ordinary (non-emergency) decrees

[42]thus not only federal but also cantonal and even communal (!) executive administrations as well as all executive administrations of Swiss institutions governed by Swiss public law!

Quotation 11: The original sin of Art. 190 BV [89]

> **Page 2** *Das Massgeblichkeitsgebot existiert seit dem Inkrafttreten der Bundesverfassung vom 29. Mai 1874, nachdem es bereits vorher in der gescheiterten Vorlage für eine neue Bundesverfassung aus dem Jahr 1872 enthalten war. Der Ausschluss der Bundesgesetze von der Verfassungsgerichtsbarkeit entstand zwecks Durchsetzung des von der Volkssouveränität geprägten Gewaltenteilungsverständnisses, wonach legislative Akte des unmittelbar demokratisch legitimierten Bundesgesetzgebers vor juristischer Sanktionierung durch die nicht in gleichem Masse demokratisch legitimierten rechtsanwendenden Behörden zu schützen sind. Mit dem Massgeblichkeitsgebot der Bundesgesetze wollte die Bundesversammlung zudem ihre Macht vor richterlichen Eingriffen schützen.*
>
> **Page 3** *Das Massgeblichkeitsgebot der Bundesgesetze ist [. . .] primär als Regel der Organhierarchie und höchstens mittelbar als Schutznorm der direkt-demokratischen Rechte aufzufassen.*

The *de facto* make-believe observed in Fact 10 by myself is purely by the other author's formal authority, not by an authority of logical (sound and thus consistent) argumentation.

Corollary 8 (The interpretation of Art. 190 BV by [30] is inadmissible.)**.** The interpretation of Art. 190 BV by [30] is legally inadmissible, and thus must not be applied.

Proof. Since the interpretation of Art. 190 BV by [30] is outside the law and the interpreting author has no legislating authority, the interpretation is inadmissible, and thus must not be applied. ∎

Corollary 9 (Applying Art. 190 BV like [30] is miscarriage of justice.)**.** Any application by Swiss public administration of the interpretation by [30] of Art. 190 BV is miscarriage of justice.

Proof. By Principle 6 and Proposal 11. ∎

The commentary continues to infer from Art. 190 BV that federal acts and international norms are to be applied even if they are inconsistent with the Swiss Constitution, and that such anti-constitutional law can only be corrected by the corresponding legislative body. In contrast, it then continues to state that federal ordinances are to be checked for consistency by the courts of law and are not to be applied in case of inconsistency—with exceptions, but again without justification. See Quotation 10 for this (limited) consistency check (of neither federal acts nor international law). *looming state of nature*

3   Conclusion

Let us review our results, call for corrective action, and finally conclude with a bottom line.

In summary, we have revealed a loophole in the Swiss Constitution that poses a critical danger to democracy and the rule of law in Switzerland in its present commonly-applied interpretation. However luckily, the loophole has turned out to be self-filling on logical inspection, and thus the Constitution has in turn turned out to be self-repairing in any logically-admissible interpretation. The main lesson from this simple exercise in applied logic is the absurdity if not stupidity or even criminality of maintaining a so-called constitutional article (loophole by presence) that defines what of the Swiss legal codex it belongs to (directly or indirectly) is applicable law by (implicitly) excluding the very (whole) Constitution (and thus luckily also itself) that it belongs to (directly).

Question 2 (*Cui bono?*)**.** Art. 190 BV, poor inbred Trojan mule if not mole, *cui bono—WHO?*

Excluding (explicitly) the Constitution *except* Art. 190 BV from the applicable law (possibly even in that very same article) would of course have been a too overtly fraudulent and thus ridiculous violation of the Constitution for unsophisticated but honest folks not to revolt against and for the sophisticated but dishonest *cognoscenti* not to lose face to those, whom they consider just sheeple to be herded and milked, and then slaughtered. So better fake feelings of democratic concern and

pretend publicly that the article would have been designed as is, so as for the Swiss voters to have the ultimate say in referenda on proposed applicable laws (federal acts or pieces of international law). The plebs will be stupid enough not only to believe this non-sense, flatteringly framed for the vulgar Sovereign as people empowerment, but also to vote against their own civic interests (in direct democracy and rule of logical law), especially when you poke fear into them by means of hysteric state propaganda about shock-doctrinally fabricated emergencies [84]. Hence in a sick sense, the plebs proves that they deserve the disrespect that the pseudo-intellectually incestuous self-declared elite harbours towards them. Thus, the following question about due process is due.

democracy failure

Question 3 (*Culpa*). Which mistaken *spiritus rector* conceived Art. 190 BV? Which erring citizen souls laboured for its introduction into and conservation in the Swiss Constitution? Which justice-inverting *cognoscenti,* especially which judges, have been interpreting the article illogically and thus anti-constitutionally instead of pointing out the need for garbage-collecting or replacing it?

There should be little room left for plausible deniability (see Quotation 11 for some history) [17].

3.1 Review of results

Our main outcomes are actionable insights in the form of (formally) axiomatisable definitions (definitional axioms) and principles (axioms *tout court*), as well as theorems deduced therefrom through the application of admissible deduction rules (essentially *modus ponens*).[43] Our five key principles are: **illogicality implies arbitrariness, arbitrariness by public servants implies illegality, illegality is equivalent to criminal penalty, illegal law is equivalent to illogical law,** and **responsibility is equivalent to liability.** And our three main questions are about the **causality,** the **culpability,** and the **profitability** of the current potentially catastrophic state of affairs, which are to guide the implementation of our proposed corrective actions—in due process.

3.2 Call for corrective action

Proposal classification Lawyers are invited to classify our 23 proposals according to the following normative key properties: (1) in which admissible interpretations of the existing law, the judiciary is (1.1) to assert a clarification of any unclear normative state of affairs (what is and what is not the case), (1.2) to decree any resulting obligation to do or to refrain from doing something, and (1.3) to decree any criminal penalty resulting from such an obligation (i.e., a penalty for an absence of doing in spite of a prescription to do and a penalty for a presence of doing in spite of a proscription to do, respectively), as well as (2) how in good faith and due diligence our proposed legislation would have to be codified as correction, prescription, proscription, or penalisation [113].

`if` normative condition `then` legal action `;`

Proposal scheduling The proposal implementations could be scheduled as displayed in Diagram 4. The scheduling has the advantage of being tree-shaped. Hence, the implementations can be parallelised for greater efficiency. The reformation of the media (the fourth power) must have high priority, since they can influence the outcome of all other implementations through the psychological manipulation of the proposal voters. Second in priority to the media are the big private associates of the state, since they can influence the outcome of the implementation of the remaining proposals by purchasing the political representatives of the voters. Third in priority is the foundation of the law on facts and logic, since once the manipulation and the purchase of minds are prosecuted *ex officio,* the minds of the voters may and must also again apply reason.

3.3 Bottom line

I am convinced that not only is direct democracy the only form of government that enables all thus essentially self-governing (in this—and only in this—sense anarchistic) citizens to assume full responsibility for themselves and thus to fully grow up and thrive as spiritual human beings, but also is it the only form of government that enforces such a learning process. Only in this progress-making social evolution, an absolute majority of citizens not only may but also must learn from

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[43]From A and $A \rightarrow B$ deduce B.

Diagram 4: Scheduling of (parallelisable) proposal implementations (top down)
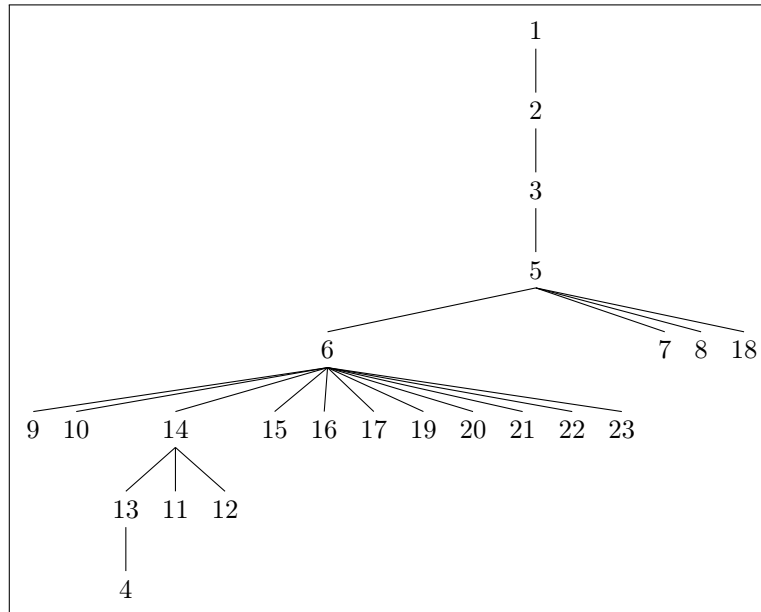
their own faults and cannot blame political representatives for societal failure. The civic freedom of choice is in the wilful selection, refinement, and conservation of direct democracy, for which a challenging education grounded in rigorous logic for all citizens is a necessary condition.

Proposal 23 (Reinstitution of old-school Swiss education). Let old-school Swiss education reincarnate as the Renaissance and the European Enlightenment reincarnated the Greco-Romain spirit at higher levels of refinement and integration with the laic essence of Judaeo-Christian[44] thought. Such education is to teach not what—but how—to think and talk—logically, rather than rhetorically, not how to calculate by heart but by programming a computer, and not how to lead others but how to lead oneself. The psychology of the manipulation of the perception of elementary facts and the masses is to be taught as early as possible. Propositional logic is to be taught and applied in primary school, first-order logic in secondary school, and formal axiomatic set theory (the machine language of the exact sciences) in tertiary school. Computer programs are not to be learnt by heart but to be analysed for correctness and performance. National and foreign languages are to be taught early, by immersion through (inter)national school exchange rather than by rote learning. History teaching is to focus not on military operations but on the economic driving and the psychological directing forces behind them. (Which *soi-disant* politician would want that?)

Otherwise, the above critical civic majority can neither be reached nor maintained, and thus regression to primitive, non-reflexive and thus repressive forms of government sets in. The reception of and reaction to the present paper will provide if not justice then information about the pro- or regress of the Swiss citizenry in this learning process and thus about the improvement or decay of direct democracy and the rule of law in Switzerland. This information cannot not be communicated.

information versus justice

> *[...] the simplest, the most accessible key to our liberation: a personal nonparticipation in lies!*
> — Aleksandr Solzhenitsyn [42]

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[44]The laic essence of commonly-accepted Muslim thought is the empty set and thus is trivially included.
[45]https://ieeemagnetics.org/contact/hans-benjamin-braun
[46]https://www.miloszmatuschek.de

freedom and truth. I also thank the library of Berne University of Applied Sciences for always servicing me reliably, kindly, and free of charge. The paper watermark has been reproduced with the kind permission of Swissmint.[47] The Cu-Ni-alloy coin it depicts commemorates the 1974-revision of the Swiss Constitution, and is meant to suggest another, logically-overdue revision [110], as partially outlined here. This year, we are celebrating the 175-year jubilee of our Constitution [98].

A Gödel's Significance

Gödel's importance as a logician can perhaps be sketched by the following summary of five of his main scientific accomplishments—within and at the horizon of provable truth, so to say [26, 56]:

1. his so-called *(semantic) completeness theorem* for first-order logic (FOL), which asserts that validity implies provability, that is, that the truth in all FOL-models (i.e., all mathematical models of FOL)[48] of any FOL-statement S (i.e., any statement S expressed in the language of FOL) implies the provability of S within the standard axiomatic theory of FOL (i.e., the set of sentences generated by the standard proof system of FOL); the converse of completeness asserts soundness (i.e., that provability implies validity), and both together assert adequacy:

$$\models S \text{ if and only if } \vdash S \qquad \text{(adequacy of provability } \vdash)$$

2. his so-called *(syntactic* or *negation)* **incompleteness theorems** of any sufficiently powerful— but then actually self-limiting—proof system of FOL-extensions (e.g., standard set theory), which have become a most celebrated twin *tour de force* in mathematical prowess [59]:

   (a) i. in any grammatically-formal language $\mathcal{L}$ that is sufficiently expressive to make any (possibly-encoded) statement about Peano-arithmetic (i.e., the conservative extension of FOL with axioms for natural-number arithmetic due to Giuseppe Peano),[49]
      ii. for any adequate proof system for the statements in $\mathcal{L}$,
      there is a statement S in $\mathcal{L}$ for which—and for whose negation—there is no proof:[50]

   $$\text{there is } S \in \mathcal{L} \text{ such that neither } \vdash S \text{ nor } \vdash \neg S \qquad \text{(incompleteness of provability } \vdash)^{[51]}$$

   (b) the consistency C of any such proof system, that is, that

   $$\text{there is no } S' \in \mathcal{L} \text{ such that } \vdash S' \text{ and } \vdash \neg S' \qquad \text{(consistency of provability } \vdash)$$

   which Gödel achieved to encode in Peano-arithmetic, and whose encoding is written as $\ulcorner C \urcorner$, is an example of such an S (e.g., $S = \ulcorner C \urcorner$) that is unprovable in the system;

3. his proof of the consistency of the so-called *axiom of choice*[52] with set theory (without it), whose presence or absence in that theory corresponds to puzzling mathematical statements that are then provable and unprovable, respectively, in the theory; (the [forcing] proof of the consistency of the *negation of* the axiom of choice with set theory is due to Paul Cohen;)

4. a solution of Einstein's so-called *field equations,* which implies the possibility of time travel— as a present for Einstein's 70th birthday;

5. a proof of the existence of God (i.e., Gödel's so-called *ontological proof*).

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[47]See https://www.swissmint.ch. This permission implies neither agreement nor disagreement with this essay.

[48]For a comparison of mathematically-logical versus physically-emprirical models of reality, see [123].

[49]equipped with (1) the unique neutral elements zero and one, (2) the semi-ring operations of addition and multiplication, and with (3) the natural (i.e., linear, total) order (https://en.wikipedia.org/wiki/Peano_axioms)

[50]though there may be one in conservative extensions thereof with additional, stronger axioms (and thus belief)

[51]Such incompleteness falsified Hilbert's program (https://plato.stanford.edu/entries/hilbert-program) in principle, and subsequently also effectively through the algorithmic undecidability of FOL-validity by computers (https://plato.stanford.edu/entries/church/supplementA.html)—in spite of so-called *artificial intelligence.*

[52]stating the intuitive state of affairs that in (from) any proper (i.e., non-functional, non-deterministic) binary relation, functional relations (i.e., functions, which are deterministic) can be chosen (and at least mentally extracted)

B Proof: The Swiss Constitution Prohibits Self-Censorship.

Let C mean censorship and SC self-censorship; further, let CPL mean classical propositional logic and BCNML basic classical normal modal logic (the deontic axiom $\Box A \to \Diamond A$ is not even needed). (BCNML is a conservative extension of CPL and a fragment of classical first-order logic, FOL.)

	Statement	Justification
1.	$\Box \neg C$	[41, Article 17, Paragraph 2]
2.	$SC \to C$	the meaning of censorship
3.	$(SC \to C) \leftrightarrow (\neg C \to \neg SC)$	contraposition (CPL)
4.	$\neg C \to \neg SC$	2, 3, CPL
5.	$\Box(\neg C \to \neg SC)$	4, BCNML (Rule N)
6.	$\Box(\neg C \to \neg SC) \to ((\Box \neg C) \to \Box \neg SC)$	BCNML (Axiom K)
7.	$(\Box \neg C) \to \Box \neg SC$	5, 6, CPL
8.	$\Box \neg SC$	1, 7, CPL ∎

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Glossary

Abbreviations

Art.	article
BV	*Bundesverfassung*
CoViD	Corona Virus Disease
Cst.	*Constitution* (French)
DE	German
eID	electronic identity
EN	English
FR	French
IT	Italian
PMT	*polizeiliche Massnahmen zur Bekämpfung von Terrorismus*
RM	Romansh
SRF	Swiss German Radio and Television
SRG-SSR	Swiss Broadcasting Corporation
`TL;DR`	too long; did not read (Internet-slang)
⚠	bottom ousts top, be plumb (Tell's mark ;-)
🇨🇭	fractal Swiss flag (political architecture)

Boolean and First-Order Logic

$\top$, 1	truth
$\bot$, 0	falsehood
$\neg$	negation ("not")
$\wedge$	conjunction ("and")
$\vee$	inclusive disjunction ("or")
$\oplus$	exclusive disjunction ("either—or")
$\rightarrow$, $\Rightarrow$	Boolean implication ("implies", "if—then")
$\leftrightarrow$, $\Leftrightarrow$	equivalence ("is equivalent to", "if and only if")
$\exists$	existence ("there is")
$\forall$	universality ("for every")

Modal Logic

$\Box$	necessity ("necessarily", "box")
$\Diamond$	possibility ("possibly", "diamond")

Set Theory

$\emptyset$	the empty set
$\cap$	intersection
$\cup$	union
$\setminus$	subtraction ("without")
$\in$	membership ("is an element of")
$\subseteq$	containment, inclusion ("is a part of or is equal to")
$\subsetneq$	strict inclusion ("is a part of but is not equal to")

Meta-Logic

$\vdash$	deduction, proof
$\models$	modelling, satisfaction, validity

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