

The POLITICS of LIBERTY

The purpose of government
is to prevent men
from injuring one another

Thomas Jefferson

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When we begin to seek fair rules by which we can live together and collaborate productively without exploiting one another, we will find that the true nature of “Right Law”, of Universal Liberty, is and always has been clear and straightforward, awaiting only human recognition and acceptance.

That we should all be free to pursue our individual lives and happiness in whatever way we choose as long as we do not injure or dispossess others: this is the Eternal Law of social conduct, the fundamental Principle of Liberty instinctively familiar to us all.

3. Liberty and Government Intervention

The degree of liberty created and attained within a country is a function of the degree of control exercised by government over governed. Liberty is maximized when the degree of Government Intervention is 50%: no less, and no more. At 50% Intervention there is no infringement of liberty either by citizen or by the State; there is neither enslavement nor oppression; the general liberty is maximized.

1. Contact, Conflict, Solutions

The provision of physical needs has always been mankind's major preoccupation. Our earliest ancestors began with minimal technology, living primitively in caves, eating whatever was seasonally available from day to day. Throughout the greater part of human history insufficiency has generally been the rule.

This very insufficiency provided the impetus for mechanical and technological development. It also had a major influence on social relationships: the insufficiency of physical wealth has long provided an incentive to seek personal gain at the expense of others, leading to enslavement and war. But evolution moves on, and today we have in our present world a level of technology potentially capable of giving us all a relatively high standard of living and leisure.

Certainly, our productive and distributive institutions do not always take advantage of the latest technology, but there is no doubt that technologically speaking we currently have in our world the knowledge and capability to provide for ourselves a comfortably high standard of living, and we can see a growing prosperity throughout the world.

Technology itself has already succeeded in giving us potential prosperity.

If this prosperity has not spread throughout the world it is the fault, not of technology, but of politics: the power and influence of individuals and social classes reflected in political parties and their self-serving policies each of which seeks gain at the expense of others through land and property ownership, finance and vested interests or plain force of arms.

In many of the politically less developed countries, government is monopolized by a single dictator backed by a supporting group who run the country in their own interests and for their own wealth and benefit.

Our western democracies give us choice, freely exercised in an atmosphere of stability, but it remains a choice between self-interest-oriented policies, of 'us' versus 'them'. Nowhere on the political horizon do we find a political party or policy which seeks to maximize economic and social benefit for all.

The fundamental issue is clear.

When we live together, share the environment with one another, interact with, and relate to one another as neighbours, in commerce or industry, it is likely that some of our actions may be injurious, harmful, or simply a nuisance to others.

Sometimes we cause harm or pain to others without even knowing it. Sometimes we know it but we go on doing it anyway. And perhaps most frequently, we do it on purpose for the benefit we gain from it; we steal other people's goods, we appropriate natural resources, or we deceive customers in trade because there's a good profit in it, and, perhaps most prominent today, those in a position to do so award themselves huge salaries and bonuses out of all proportion to their contribution to society.

The potential differences and conflicts which can arise between people in a complex society may appear limitless as indeed they are. But we can be quite precise as to the fundamental cause of political or social conflict: it is that one person is doing something which is to his or her advantage, but which is to the disadvantage of another or others.

Actions or activities which improve the wealth and wellbeing of some at the expense of loss to others, actions which give advantage to some by causing disadvantage to others: these are the fundamental causes of social conflict, and their solution, or lack of it, lies at the very heart of politics.

Social relationships, political policies and the machinations of government may appear infinitely complex; yet the fundamental cause of social and political conflict is simple and there are only two possible solutions.

Where the action of one is detrimental to the wellbeing of others, the first alternative is for the individual to continue with the action, enjoying the benefit derived from another's loss, but risking the other's anger and retaliation. In terms of party politics, we all vote for the party which supports our class interests, oblivious of the fundamental instability thus created and pervading our social and economic fabric.

The second alternative is to avoid such actions. This requires the practice of self-discipline and self-restraint; but those who consider that they have the strength or the cunning to get the better of their fellow beings may be unwilling to renounce this opportunity and the potential wealth it might bring them.

It is a choice we must continually make in our daily personal relationships with one another. Do we respect the lives and choices of others, or do we attempt to

impose our own decisions upon them for our own gain? Do we deal honestly in business, or do we attempt to get the best we can out of customers and co-workers, whether honestly or dishonestly? These are individual choices which each of us can make.

Individual choices are also reflected collectively in the form of government which people either tolerate or purposely create. Do we seek a government guided by policies which maximize liberty for all by identifying and preventing those actions which are harmful to others? Or do we support a government which promotes the interests of our own group or class at the expense of others?

Politics has long been understood by idealists and political thinkers as the science whereby differences between people are resolved according to principles of universal justice, creating and maintaining a social environment in which all can enjoy the maximum liberty to pursue personal goals in collaboration with, but not to the detriment of, one another.

In such a world, we would make laws which guide us towards personal conduct which is not detrimental to others; we would allocate resources fairly; in business we would collaborate rather than confront, we would give our best to our customers and charge a fair price.

And in so doing we would not only live in peace, we would also create a greater prosperity, for prosperity grows through cooperation, not through conflict. Indeed the flowering of civilization in all its aspects is dependent on a foundation of liberty deriving from mutual respect.

Such at least is an ideal view of law and government, and it may well be that we are now approaching the time when principles of universal justice and the maximization of the general liberty might gain increasing acceptance.

But this has not been the historical course of our political development. Mankind long ago rejected the ideals of universal liberty, choosing what might be called the 'original sin' of social and political conduct, as each individual attempts to enhance his or her own wellbeing at the expense of others by the use of personal power or through manipulation of the legislative process.

It was a course chosen at the dawn of political history; and though in the politically developed world at least we now conduct our affairs more elegantly, the fundamental direction of intent has not yet been reversed.

We remain, as always, divided into two “camps”, the rich and the poor, each with its own political policy and supporting political party. Yet there are, as there have been since early Greek and Roman times, political thinkers working outside the box of self- and class-interest, motivated by the ideal that there is indeed a Universal Law offering maximum liberty, justice and prosperity for all.

2. The Ideal of Right Law

The concept of a universal guiding principle, a “Right Law” to which Legislators and Legislation are subservient, is many centuries old. That we have not formally identified the essence of “Right” or Universal Law is most probably due to the fact that “we” both in and out of Government and Parliament have been more interested in seeking ‘class’ rather than universal benefit. Is it now time to reconsider this fundamental issue?

In our everyday lives, in personal relationships, in our use of natural resources, in our business and commercial affairs, it is possible for some to gain benefit at the expense of others. This is the essential feature of political conflict.

Our response to potential conflict is reflected in personal conduct, and in the Governments we choose or accept. We have two clear choices.

Either we choose, and our laws permit us, to continue injuring, exploiting and imposing on one another so that some may gain wealth through the impoverishment of others.

Or we attempt to avoid, and our laws identify and prevent, those actions which are harmful or injurious to others so that we can all live in peace, prosperity and maximum liberty.

If we begin to seek fair rules by which we can live together and collaborate productively without exploiting one another, we will find that the true nature of “Right Law”, of Universal Liberty, is and always has been clear and straightforward, awaiting only human recognition and acceptance.

It exists inside every one of us, for we all know what is right and wrong in social conduct – if we ever bother to ask ourselves.

It exists as the fundamental basis of English Common Law; and it has been expressed by political thinkers, writers and philosophers for thousands of years.

The Eternal Law of Right Social Conduct is clearly and simply stated: *that each should freely pursue his or her own advancement, but in ways which respect the right of others to do likewise; that each should seek his or her own growth, but in ways which do not diminish that of others.*

If we then seek to apply this Principle in Government, we will find that the guiding policy is clear and simple: the purpose of Government and Law is the identification and prevention of exploitation, harm or injury between people.

This guiding Principle is no ‘revelation’. It has been understood and expressed in many forms through the centuries; it was stated clearly and concisely in the words of Thomas Jefferson: *“the purpose of Government is to prevent men from injuring one another”*.

It is worth considering this proposition in detail, for it summarizes the essential purpose of, and limitations upon government with implications far beyond its apparent simplicity.

The purpose of Government in this view is to prevent people from injuring one another, and there are many ways in which we can injure one another, in our personal activities, in commerce and industry, in our use or misuse of natural resources and the banking system. It is Government’s job to identify and define those actions causing injury and dispossession to others, then to prevent them through appropriate Laws and Enforcement.

The Principle is basic, plain and simple, as indeed fundamental truths always are.

Most people of the Anglo legal tradition (Britain, the United States and many Commonwealth countries) object in principle to any excess of regulation. We dislike meddlesome government; we find unnecessary regulation tiresome and annoying; we abhor oppressive government.

Yet few would object to being told they may not do something, if it can be clearly shown that their action is in some way harmful or detrimental to others. And when a person is suffering injury at the hands of another, we would all accept that person’s right to remedy and protection in law.

Again, the idea is well summarized by one of the 20th century's leading figures in British justice, Lord Denning, in his book 'The Family Story': "*Each man should be free to develop his own personality to the full; the only restrictions upon this freedom should be those which are necessary to enable everyone else to do the same.*"

This view of Law as 'the prevention of injury between people' reflects the fundamental limitation of social freedom. We cannot all have *absolute* freedom in our social relationships with one another. If one person is totally free to do whatever he likes, he is by definition free to limit or indeed eliminate the freedom of another, thereby reducing that second freedom, possibly to zero.

The best we can do is to *maximize* freedom, and this we achieve when we all accept certain limitations on our individual freedoms so that we do not infringe the freedom of others. To describe this concept of shared, limited freedom we use the word of Latin-Roman origin: *Liberty*.

A Land of Liberty is not a land in which we all have absolute freedom to do exactly as we please. That would be a land of anarchy, since everyone would be free to limit, or eliminate the freedom of anyone else.

A Land of Liberty is a land in which we are all subject to some restraint in those actions which are harmful or detrimental to others, so that we can all enjoy not absolute freedom, but a maximum possible individual freedom consistent with the freedom of others. This is Liberty, a condition in which freedom is maximized, but not absolute.

When Government as referee identifies those actions which are harmful or detrimental to others, then prevents such actions by law and its enforcement, Government is limiting individual freedom; but in so doing it creates a state of Liberty in which freedom is not absolute, but maximized.

The Principle of "*freedom up to, but not beyond the point where freedom infringes another freedom*" is the Eternal Law of social conduct, the fundamental *Principle of Liberty* instinctively familiar to us all.

If this Principle were to be observed by citizens and applied by laws, the maximization of the general liberty would be the guiding policy, and laws would enjoy the guidance of a Principle which fully reflects the age-old ideals of Natural Law, of non-injury, of respect, universality, justice and fair dealings between people.

Only in liberty will the flower of civilization unfold. And liberty, true and full liberty, will be achieved only when all of the people understand, accept, and support with full knowledge and conviction the Principle that in the enjoyment of liberty each must respect, never infringe the liberty of others.

The *Principle of Liberty* requires in our personal relationships, in business and commerce and in our use of natural resources, that we respect others as we would have them respect ourselves. It is a Principle as old as human conscience: it will be recognized by anyone familiar with the Sermon on the Mount. The consistent application of this Principle in everyday law would maximize liberty in the nation under its care, and thus the general prosperity.

With the guidance of this Principle we would share resources equitably and use them wisely, we would trade fairly, we would respect the property, privacy and peace of one another. We would learn to live in liberty, respecting and not infringing the liberties of others. And we would prosper: for collaboration is an infinitely more creative, more powerful, more productive force than confrontation.

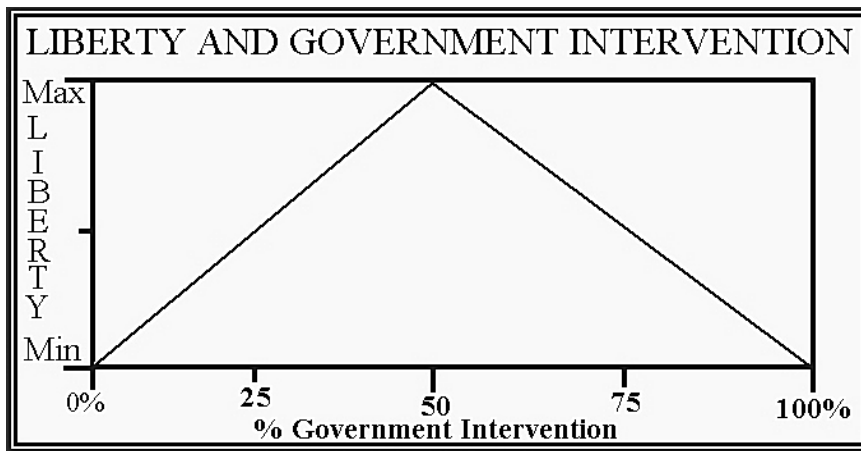
3. Liberty and Government Intervention

The *Principle of Liberty* is an ideal, an expression of social conscience, of our fundamental sense of right and wrong in our dealings with one another. But the *Principle of Liberty* can also be defined with considerable accuracy.

Liberty is maximized when Government offers full protection, but without moving into oppression. The significant factor in Government policy, and the resulting Liberty, is the *Degree of Government Intervention*.

The Degree of Government Intervention can be shown as a simple straight-line scale, calibrated from Zero to One Hundred Percent.

There is a direct relationship between the Degree of Government Intervention, and the Degree of Overall Liberty which results.



At Zero Percent Government Intervention, Government quite simply does nothing at all. In this condition everyone is free to do whatever they like, including the freedom to limit or eliminate the freedom of others. Liberty, in the sense of a disciplined freedom resulting in a safe and ordered society, could not be said to exist under this regime.

Proceeding up the Intervention Scale, a gradual increase in Government Intervention provides basic law, order and personal safety, followed as we progress further up the scale by more sophisticated forms of protection such as consumer, employee and environmental protection.

Throughout most of our political history Government has pursued a policy of *laissez-faire* or minimal intervention in the affairs of society, say a nominal 25%, thus permitting those with superior forces of personality, intelligence and wealth to increase their wellbeing by diminishing that of others. *Insufficient* Government intervention *permits* citizens to harm and exploit one another. The general Liberty is not maximized and a greater degree of Government Intervention would be required.

The Socialist reaction swung to the other extreme, giving Government considerably greater powers of Intervention, say 75%, designed to help the poor by preventing exploitation and readjusting the balance of wealth. But this was achieved through a major programme of nationalisation and a much higher degree of Intervention in citizens' personal lives. Liberty is increased by Government protection, but it is then *decreased* as Government exercises an *excessive* degree of Intervention. Again, Liberty is not maximized.

At what point on the Control Scale is Liberty maximized?

As Government Intervention is increased from Zero to a nominal 25%, Liberty is increased, but not maximized as Government Intervention is *insufficient*. And with a nominal 75%, Liberty is eroded by *excessive* Government Intervention. A policy of 50% Intervention prevents individuals from imposing their will and judgments upon one another, but initiates no imposition through Government excess. 50% Government Intervention neither permits nor creates Infringement of Liberty. Government *must* intervene promptly when, *but only when* law is required to protect *a clearly identifiable infringement of liberty*.

The Right-wing definition of Liberty as “minimum Government Intervention” has always been a powerful argument, enhanced today in the light of both the experience and the demise of Soviet Socialism. Just as innocence until proved guilty, the *Presumption of Innocence*, is a cornerstone of the English judicial tradition, so too does the Anglo-American concept of Law recognize what may be called the *Presumption of Liberty*, the concept that we should all be free unless there is a very good reason for the law to limit that freedom.

And what constitutes a “very good reason” for the law to limit freedom? Another very old-established precept of English Common Law provides an answer: it is entirely reasonable for the law to restrict or to forbid an action if that action is harmful or injurious to others.

So we increase Intervention gradually until we reach the point at which there is sufficient Government Intervention to ensure full protection of each and every individual’s liberty from infringement by others in any way. This point is represented by 50% Government Intervention. Here there would be no opportunity for one individual or class or group to harm or enslave or to infringe the liberty of any others.

As we make the final move from 49% to the 50% mark, we have succeeded in eliminating all Infringement of Liberty by defending the citizen against any and all forms of injury or imposition by other citizens. So if we increase Intervention any further, Government can only begin producing laws which are not strictly in the *protection* of Liberty, and are therefore *intrusive and oppressive*.

As Government Intervention increases beyond 50% a progressive *reduction* of liberty immediately begins; its effects are painful, and lead ultimately to total oppression. Yet it is an easy road to take.

The dream of “total care” by a benevolent Government, though impossible to attain, is nonetheless tempting. And the movement from 50% to higher and ever

higher degrees of Intervention in people's personal lives can begin all too easily with laws “for our own good”, or more pervasively, for our protection against unspecified threats. Secretive Government and oppressive laws will soon begin to thrive. Government Intervention has gone too far, eroding Liberty, not maximizing it.

Under a policy of 50% Intervention, Government prevents individuals from imposing their will and judgments upon one another, but initiates no Imposition through Government excess. 50% Government Intervention neither permits nor creates Infringement of Liberty.

Government intervenes promptly when, *but only when* the law is required to protect a clearly identifiable Infringement of Liberty.

If there is any opportunity for any citizen to infringe the liberty of any other citizen, if any citizen suffers Infringement of Liberty to any degree or in any way at the hands of any other citizen, then Government is exercising not 50%, but 49% or some lower degree of Intervention. Government is *permitting* Infringement of Liberty.

On the other hand, if Government issues any law, order or directive which is not clearly in defence of an identifiable liberty, then Government is exercising not 50%, but 51% or some higher degree of intervention. Government is *initiating* Infringement of Liberty.

The ability to define the seemingly diverse political options of anarchy, enslavement and oppression, of *laissez-faire* and Socialism-Communism, of Right and Left on the single common scale of Government Intervention allows us to define Liberty very precisely.

Liberty is *maximized* when the degree of Government Intervention is 50%: no less, and no more. At 50% Intervention there is no Infringement of Liberty either by citizen or by the State; there is neither enslavement nor oppression; the general liberty is maximized. At 50% Intervention, the *Principle of Liberty* is fully and accurately reflected.

The Degree of Government Intervention necessary to *maximize* liberty can thus be identified with a precision which any citizen can readily comprehend, and when necessary, defend.

Liberty and Economics

The major area of contact between people today is in business and commerce, as we participate in different roles and capacities: employees and employers, producers and consumers, as well as investors. And the main aspect of contact is *value*, the value of an employee's work, the value of a product or service, as expressed in Pay, Profits and Prices.

At present, Pay, Profits and Prices are determined by disputation. A policy of *Socially Responsible Free Enterprise* requires Government to replace anarchy, wherever it may exist, with *fair rules*. A national system of job evaluation, leading to price evaluation, can give 'value' to our monetary unit which it presently lacks, can provide the stability needed to expand the economy to full capacity without inflation.

If the economy can be purposefully expanded to full capacity and full employment without risk of inflation, directed into safe and productive investments guided by nationally established priorities, and if standards of quality and productivity can be maximized and continuously improved throughout industry and services, the Nation's economy can become and remain among the world's most productive and rewarding, while at the same time satisfying the demands of Fair Exchange required under the *Principle of Liberty*. This subject is treated in greater depth in 'DLB36 The Economics of Prosperity'.

The *Principle of Liberty* also sets high performance standards, as well as strict demands and disciplines in respect of governance. Can government be held accountable to clear policy limitations, as well as strict controls on its expenditures so as to ensure the ultimate goal of maximum liberty with minimum government expenditure? This question has persisted since the Institution of Governance came into existence. Its answer lies in the concept of *Constitution*, the idea of a set of rules governing, not citizens, but the very powers of governance itself.

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and 'DLB 38: The Supremacy of Constitution'
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