

The POLITICS of LIBERTY



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

Thomas Jefferson

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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.

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It can clearly be shown that Legislation based accurately and consistently on the *Principle of Liberty* will be fair and just, promoting the Universal Interest and maximizing both the general Liberty and overall prosperity.

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 in the leading industrialized nations.

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 expropriate natural resources, or we deceive customers in trade because there's a good profit in it, while those in 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; and 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 can make for him- or herself.

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.

So we are divided into two 'teams': the Right and the Left, those 'on top' whose power, position, wealth or influence allows them to profit from the work of their fellow men and women, and those at the bottom who do the donkey work in fields, factories and offices, and can't wait to take revenge. Politics today is, as it has always been throughout history, the art of getting what you want, most probably at the expense of others.

2. A Predatory Society

As the sun sets in a blaze of orange giving way to the cool of evening, a mosquito appears from beneath some dark green leaves where she has been resting during the heat of the day. She flits around in her three-dimensional waltz movement, humming a high-pitched tune to herself. She wants some blood to assist her reproductive functions.

She finds some humans sitting in a group on the lawn in front of the house. Fortunately they are all engaged in lively conversation so no one notices her. She makes her choice and at once inserts her needle-sharp, needle-strong proboscis deep into a tender patch of skin behind the ear. In a moment she is gone, her benefactor raising a hand unconsciously to scratch the irritation she has left behind.

The mosquito is a predator. She is not alone. We live, as we have always done, in a predatory society.

The mosquito's lust for blood is reflected in man's age-old propensity to grow rich by drawing upon the work and wealth of fellow men. We have consistently ordered society in ways which permit those enjoying superior wealth, background and the political influence that goes with it, to live comfortably from the proceeds of other people's toil. This transfer of work and wealth from the poor to the powerful took place through three major phases: slavery, feudalism, and low-wage industrial employment.

The history of politics and social relationships is a history of continuous imposition exercised by people over one another, either with government "turning a blind eye", or with government's active participation.

In Victorian times, a gentleman owned factories, paying workers barely enough to buy food and shelter; in the Middle Ages he owned land which was worked for him by peasants who were bound to him; in early Greek and Roman times slavery was the foundation of economic and social prosperity.

Indeed, there is no parallel in history to the achievement which Greek civilization attained in Athens. This single city produced great statesmen, poets, sculptors, historians, teachers. Here the very concept of philosophy was invented and expounded. Here were created the first popular governments, in which citizens were to practice another Greek 'invention': Democracy.

Yet in this enlightened city over a third of the population were slaves, many obtained as prisoners of war or as criminals purchased from non-Greek lands around the Mediterranean. Some, in domestic and agricultural service on large agricultural estates, were relatively well treated. Others were not so fortunate, especially those working in the mines and quarries.

At one time there were some 30,000 slaves in the silver mines and processing mills. In the large Laurion mine near Athens conditions were appalling. The underground galleries were dug only two feet square, and the miners had to crawl through them dragging their iron shackles. They worked a ten-hour day, and the mortality rate was extremely high.

Rome, too, came to depend on large numbers of slaves to maintain its mines, industries and agriculture. And as in Athens, its wealth and power rested upon untold suffering.

Diodorus wrote of the conditions in Rome's gold and silver mines in Egypt:

"There they throng, all in chains, all kept at work continuously day and night. There is no relaxation, no means of escape. No one could look upon the squalor of these wretches, having not even a rag to cover their loins, without feeling compassion for their plight. They may be sick, or maimed, or aged, or weakly women, but there is no indulgence, no respite. All alike are kept at their labour by the lash until, overcome by hardships, they die in their torments. Their misery is so great, the punishments are so severe, that death is welcomed as a thing more desirable than life."

The Roman tradition of large estates and villas continued into the Middle Ages, evolving into the feudal system. As time passed, the slaves became feudal peasants regulated by the customs of the manorial system, and no longer lived in the complete state of submission that typified true slavery. But as the manorial estates grew ever larger during the Middle Ages, and independent holdings dwindled, so rural poverty among those outside the feudal system became widespread.

With the end of the 1700s agriculture would now give way to industry as the engine of production and trade, and land would be replaced by machinery as the source of wealth.

As the factories increased their output, so their capital costs per unit fell; and with the ability to pay low wages, factory owners found their overall production costs steadily falling. They were also able to maintain high prices; thus the profits and the wealth of the factory owners could only increase. The wealthy became wealthier, the poor remained poor.

Industry caused a growing tide of migration from countryside to industrial cities throughout the second half of the 1800s; urban populations increased and living conditions for the poor deteriorated. The competition for work in the factories made it possible for employers to continue paying minimal wages for long hours of work in abysmal and often dangerous working conditions, with corresponding increases in their profits and dividends.

On the morning of September 24th, 1849 readers of London's *Morning Chronicle* were to find an article contributed by one Henry Mayhew who had just returned with tales of horror from a land, not distant, but only a few miles away in their very own city of London.

“The striking peculiarity of Jacob’s Island consists in the wooden galleries and sleeping rooms at the back of the houses which overhang the dark ditch that stagnates beside them. The houses are built upon piles flanking a sewer; little rickety bridges span the huge gutters and connect court with court.

“In a place called Joiner’s Court, with four wooden houses in it, there had been as many as five cases of cholera. Here, I was taken up to a room so dark, that it was several minutes before I could perceive anything within it, and there was a smell of must and dry rot that told of damp and imperfect ventilation, while the unnatural size of the pupils of the wretched woman’s eyes showed how much too long she had dwelt in this gloomy place.”

The political doctrine of *laissez-faire* prevalent in the 1700s and early 1800s, happily espoused by factory-owning members of Parliament, opposed any government intervention in industry. “*Laissez-faire*” literally means “leave things alone” which, translated into government policy, meant that no attempt should be made to regulate the price or quality of goods, the wages, the hours of work, or the often dangerous and unhealthy conditions in factories.

While the consciences of reformers both in and out of Parliament were stirred into acts of charity and sporadic legislation, the idea that politics is a science for regulating contacts between people in order to establish a climate of social justice, clearly did not yet exist. Parliament was still controlled by the rich and the powerful, and laws were supported or opposed in order to further their interests.

Today in the developed countries, the extremes of poverty are slowly being eliminated thanks to the doctrines of Socialism which seeks to re-distribute wealth through taxation. Yet still, the rich are getting richer while the real incomes of the less well-off remain stagnant or even deteriorate.

The details have changed, but not the basic plot: We still live, as we have always done, in a predatory society with government, of whatever colour, in full support. We seek to balance one injustice with another, while the ideal of true, universal social justice remains undefined, and indeed, unexplored.

3. The Evolution of Governance

The word *anarchy* is defined in the Oxford Dictionary as “absence of government; disorder; confusion”. It is derived from the Greek *an arkhos* meaning *without leader*. Left entirely to their own devices people can, and will, injure, steal from, and cheat one another. Then follows revenge, and counter-revenge. And so it continues. Civilization cannot develop without reasonable safety of person and property, without the stability of some agreed and enforced rules of conduct.

The condition of anarchy still persists in many parts of the world. In the younger, less developed nations we learn frequently of a breakdown in law and order, either as a semi-permanent condition resulting from the impotence or non-existence or corruption of a central government, or in times of revolution, religious or tribal conflict.

The first, fundamental step in political development is the movement from total lawlessness, or anarchy, to some kind of centralized law and order. The politically developed nations have long accepted the concept of a Central Authority or Government, and the Rule of Law which sets restraints upon the scope of people’s actions.

As Centralized Power takes over from Anarchy it generally takes the form of an autocratic, dictatorial rule by one strong man and his supporters. In Britain’s case the earliest form of central political rule was an Absolute Monarchy, and the first step for reformers was to try and impose some degree of discipline over the Monarch in order to render his rule less “absolute”.

This was not in fact an insurmountable problem, for the King needed the support of his noblemen, the wealthy landowners and local rulers, who in turn demanded some influence in the running of the nation’s affairs. In England, the periodic convening of his influential men by the King continued during the 14th, 15th and 16th centuries, developing gradually into an early form of Parliament which would later challenge and claim precedence over the power of the King.

By 1600 England had a recognizable Parliament; but its decisions, indeed its very existence, were subject to the King’s will or whim. The focus of political and constitutional reform was now centered on the battle for supremacy between King and Parliament, in which the 1600s would prove to be a critical century.

Beginning with Absolute Monarchy and ending with Parliamentary Supremacy, it was punctuated almost midway, in 1649, by Parliament’s highly symbolic trial, sentencing and execution of King Charles I, followed by a chaotic period of Republican rule and the eventual Restoration of the Monarchy.

In 1688 Parliament invited Mary who was next in line for the throne and her Dutch husband William of Orange to land in England and to accept a specially drawn up Declaration of Rights which stipulated in precise detail the new relationship between Crown and Parliament and the limitations on Royal power.

The Crown could no longer suspend or dispense with laws by regal authority; the Crown could no longer levy taxes or maintain an army without the consent of Parliament; and the regular assembly of Parliament, without royal interference, was guaranteed.

Similar conditions had indeed been heard before; but the difference on this occasion was that England and its Parliament were offering a Crown, and these were the conditions upon which they would accept the new Monarchs. In 1702 William and Mary accepted Parliament’s conditions, and as they became joint Sovereigns, the old partnership between Crown and Parliament was resumed.

But whereas Parliament had previously given assent to the wishes of the Monarch, now it was the Monarch who formalized the decisions of Parliament with the Royal Assent.

The battle for supremacy had been won by Parliament. But the conflict would now become one within Parliament itself between the two rising ideologies representing, on one hand the interests of the rich and powerful who would for a time rule the country in their own best interests, and the Reformers, both in and out of government, who would now press for social reforms including a continuing expansion of the voting franchise.

Conservatism, preservation of the *status quo*, versus *Reform*; this theme was to dominate Parliamentary proceedings for the ensuing two hundred years.

Following a tradition of earlier times when the King's advisers sat on his right, likewise the Conservatives in Parliament loyal to the Crown and the maintenance of the *status quo* now sat on the Speaker's right, while the Radicals and Reformists sat on his left. So Britain's Parliament assumed the confrontational form still maintained today, of Right and Left, Conservatism and Reform facing one another across an aisle, and the terms *Right* and *Left* in the political party sense assumed the significance now familiar throughout the world.

When the Right-Left polarization first took shape, the Conservatives seated on the Right supported the Monarchy and a degree of Royal prerogative provided the nobility could share in it. They accepted the established order of Church and State, and furthered the interests of landowners, and the big industrialists.

On the other side were the Liberals, or "Whigs". Formerly Republicans, they now supported the Monarchy provided it was kept under constitutional constraints. But they also supported reform generally, including a gradual widening of the voting franchise from a favoured minority to a nation-wide majority. The last few years of the 1800s saw the gradual development of a socialist programme featuring a shorter working day, improved housing, higher wages, social security, and a minimum standard of education for all. This gave birth in 1901 to the Socialist, or Labour Party which would now become the Party of the Left, with Socialism as the "alternative" political doctrine.

Politics has surely evolved and matured, but conflicts remain. As profits grow while wages stagnate or decline in real terms, the Right, the rich and powerful, fight to retain their supremacy, while the Left attempts through subsidies, differential tax rates and the Welfare State to transfer as much wealth from the rich as they can lay their hands on. Indeed, Socialism does not eliminate injustice, it simply adds another layer of expensive counter-injustice.

While Socialists complain of high profits in the Right-wing supported private sector, the services supplied by Government under Left-wing Socialism are costly and inefficient, choice is reduced, and liberty is eroded. All the European health systems are now coming under increasing pressure from waste and abuse; the State school systems allow for little or no initiative, either in the introduction of new ideas or ways of increasing productivity; and the expansion of subsidies for anything and everything combined with reluctance to pay for them through tax-increases has resulted in ever-increasing government debt.

And as a monopoly, Government continues to grow uncontrollably in size and in cost, in Britain and Europe, and even more so in that bastion of free enterprise, the United States of America.

Do we blame Government, or do we blame ourselves? It is said that in a democracy people get the government they deserve, and as long as we approach the concept of governance seeking only 'what's good for *me*' we will surely remain stuck in political stalemate and economic stagnation.

If we expect either of our current political parties, the Right or the Left, to introduce fair laws, whereby none gains advantage through the disadvantaging of others, we can carry on expecting.

Only a willingness to take a wider more comprehensive view of basic political attitudes can begin to eliminate the social and economic distortions which prevent us from attaining the universal prosperity of which we could so easily be capable.

4. The Ideal of Right Law

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.

“None of the great Roman jurists doubted that there is a Higher Law than the enactments of any particular State. They conceived of the law as ultimately rational, universal, unchangeable, and divine, at least in respect to the main principles of Right and Justice. The Roman Law, like the English Common Law, was only in small part a product of legislation. Hence the presumption was never made that law expresses nothing but the will of a competent legislative body, which is an idea of quite recent origin. It was assumed that ‘nature’ sets certain norms which government’s law must live up to as best it can.”

(George H. Sabine: *A History Of Political Theory*).

The essence of *Natural Law* is that the Ruler, the State or the Legislator is always subject to the Higher Rule of Right which transcends human interests and human institutions. Thus the Ruler or Legislator becomes an *interpreter* of a Higher Law, rather than an *instigator* or *originator* of law reflecting perhaps the interests and profit of himself or the group he represents. This general principle of government, that authority is justified only on moral grounds, achieved almost universal acceptance among Roman jurists and continued as a commonplace of political philosophy throughout the Middle Ages, becoming a part of the common heritage of political ideas.

The concept of Natural Law was fundamental to the political philosophy of Henry Bracton whose (Latin language) document *On the Laws and Customs of England* dating from the 1200s is one of the oldest systematic treatises on English Common Law. It also deals in depth with the obligations of, and disciplines upon Royal power, concentrating on three major themes: that the King should himself be subject to and act within the Law, that he should rule wisely and justly, and that he should rule in consultation with his peers, the “eminent men” of the land.

A significant development during the early 1700s was the concept of a “Social Contract” between government and governed which came very close to the ideal of Universality in law, of laws to benefit the general welfare rather than class interests. One of the major proponents was John Locke.

Locke believed that for the sake of growth and stability people would ultimately accept the restraint not to harm each other in their lives or possessions. But in practice, without government to enforce this principle against those seeking to injure or enslave others, people would have no security in their rights and would live in fear. So, rather than each man acting as his own judge, jury, and executioner, Government would be instituted to act as an impartial, objective agent of justice.

This “Social Contract” reflected the principle that government is established as a result of a compact in which individuals promise to accept the judgments of a common arbiter. An important implication is that, having put their trust and political destiny in the hands of a central government, the people are thereby entitled to expect from that government justice, honesty and competence, impartially administered in the equal interests of all. And since it is *all* of the people who are subject to law, not only those who have financed or voted for the specific Party for the time being in office, it follows that there is a presumed obligation upon any Party in power to act in the overall national interest, avoiding solutions favouring specific sectional interests. High principles indeed, though regrettably still not evidenced in politics today.

Perhaps the time has come when we should once again take up the search for the fundamental principles of “Natural Law” expounded by early Greeks and Romans, the “Higher Rule of Right which transcends human choice and human institution” which might yet give us an end to the social strife presently so destructive to our social peace and economic wellbeing.

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 personal 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 has implications far beyond its apparent simplicity.

Clearly, Jefferson was not confining *injury* to grievous bodily harm, any more than he was confining the term *men* to the male gender. The purpose of Government in this view is to prevent people from injuring one another, and *injury* can take many forms which grow in number and complexity as the world develops.

One can harm one’s fellow citizens by making and selling a product which is unsafe in use; through incorrect labelling of a food product which results in a user consuming an additive to which he or she may be strongly allergic; or, most commonplace today, through the disproportionate rewards given by default to executives and financial manipulators.

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. In Jefferson’s view 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 meddling 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.

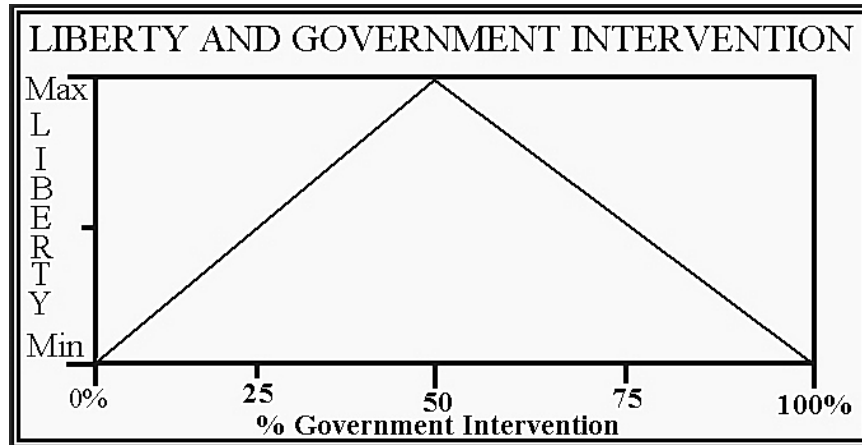
Only in liberty will the flower of civilization unfold. And liberty, true and full liberty, will be achieved only when all of the people understand, accept, and support with full knowledge and conviction the Principle that in the enjoyment of liberty each must respect, never infringe the liberty of others.

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.

5. 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.

6. Liberty in Practice

Mind, Body and Property

There is a naturally definable *Personal Area* which inherently “belongs” to each individual: the mind, body and products of the individual’s labour, that which is directly associated with, or attributable to the individual. Legislation applicable in this *Personal Area* deals with what is already by creation and by definition the individual’s property. The *Principle of Liberty* requires protection without intrusion.

This would be reflected first and foremost in the simple requirement that Government should “*prevent men from injuring one another*”. Many may feel that Government should do much more; but few would dispute the proposition that personal protection must form the essential basis of Law.

Security of body and mind from intrusion by others naturally includes legislation and protection against murder or physical injury. We must also include the more subtle forms of intrusion such as excessive noise, light trespass, and air pollution (which also affects the environment as a separate issue).

While smoking in private is a matter for personal discretion and is no concern of government, it is now widely recognized that smoking in shared and public places creates a form of air pollution which others may be allergic to or find offensive, and from which they should expect protection in law.

Freedom of speech is highly respected in the politically developed countries; its importance lies particularly in the protection of citizens from Government attempts to stifle opposition, and in the benefits of ensuring the free flow and development of ideas. But should the Law permit the open publication of lies and defamation of character? Clearly not, as there is injury here.

What is important, as in all cases of interpretation of the *Principle of Liberty*, is that each and every actual, potential or suspected injury be fully explored, then minimized or eliminated. The existence of injury places a clear obligation upon Legislators to identify and prevent it. But the absolute need to show the existence of injury also exercises restraint over Legislators, who cannot act except in the protection of liberty from clear, definable and explicit injury.

The theoretical degree of 50% Intervention marks a significant point in legislative activity, a high point in effect, since up to 50% government intervention has been on the increase as it strives to minimize or eliminate any and all forms of identifiable injury.

From this point on however, it is not government that needs to be on the lookout for injury caused to citizen by another or other citizens. Rather it is watchful citizens, reinforced where available by a supra-legislative Constitution, who must be ever on the lookout against government interference into citizens’ private lives.

If the Law now increases its degree of Intervention beyond 50%, to a nominal 51% or further, it is exerting not a protective or defensive force, but an aggressive, intrusive force. At this point the Law itself begins to *create* infringement of citizens’ Liberties.

One very simple test of Government force or intervention, by which we can define whether a particular Law is defensive or intrusive, is to ask whether or not the Law concerned is in defence of a specifically identifiable Liberty against a clearly definable infringement by another. If it is, then it is protective. If it is not, then that Law is intrusive and exceeds 50% Intervention. There must be no Law without an Injury, without a clear infringement of the Liberty of one citizen by another.

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 some higher degree of Intervention.

It might easily be assumed that Government, especially in a “free” and democratic country, rarely if ever strays into oppression. The assumption would regrettably be quite erroneous. A high degree of Intervention in the Personal Area is quite common, and increasing.

Governments slip into the beginnings of oppression in several ways: by legislating “for the citizen’s own good”, by engaging in telephone-tapping, snooping, spying and other intrusive activities in the name of national security, and by claiming through the process of taxation-as-of-right an ever-increasing proportion of the citizen’s earnings which are then disbursed at Government’s absolute discretion.

Laws which intrude into personal, private lives “for our own good” represent the first step into 51% Intervention and beyond. The first step is the most significant; once that is taken by Government, and citizens have accepted with their compliance, the safe confines of the *Principle of Liberty* have been breached, and further steps will inevitably follow.

Consider, for example, the Law requiring minimum-wear standards on the tyres of motor vehicles, and laws requiring seatbelt use.

Worn tyres can cause an accident at speed which may result in the injury of others; legislation laying down minimum specifications for tyre treads would therefore be in accordance with 50% Government Intervention. But a Law requiring the use of seat-belts is for the individual’s personal safety only; failure to use a seat-belt can in no way infringe the Liberty of others. Such legislation thus represents an excess of 50% Intervention.

Another motive behind this type of “personal welfare” legislation is the presumption that Government has the right, or even the obligation, to impose directives on conduct relating exclusively to the individual’s private welfare; this assumes, dangerously, Government superiority. “We think it’s good for you, we know best, therefore you must be required to do it by law”.

Should we accept that others know better? Most certainly one should always be open to professional advice, and most certainly it is wise always to consider and practice prudent personal behaviour.

But should we accept compulsory direction by Government of private lives and conduct, direction which has no bearing upon political liberty? If we do so, then we are humoring Government dangerously; we are acquiescing to the myth of Government superiority; and we are encouraging other similar intrusions into private life and conduct.

Today it is seatbelts and mass-medication through the water supply (fluoridation); tomorrow no doubt, as a simple logical extension of the same principle, it will be mass cold baths and early morning exercises under the auspices of the Ministry of Public Wellbeing. People might be healthier in body, but the health of political Liberty would take a severe turn for the worst.

No persons either individually or through Government, should impose their will, their way of life, their judgments or their brand of wisdom on the private life of others no matter how correct they might think their own way of life to be and how wrong they think that of others. The *Principle of Liberty* and the Laws which reflect it respect the individual’s right to do things which might be considered foolish or unwise, provided they do not harm others.

It is important that we should remain ever watchful in regard to the expansionary activities and influences of Government in order to ensure that Intervention never exceeds the precise degree of 50%. When citizens infringe the Liberties of one another they fortunately have limited scope to do so, and those harmed can find remedy in law.

But when the law slides into the path of oppression, remedy is more difficult to find, the effects are much more far-reaching, and the trend is difficult to halt or reverse.

Just as Government under the *Principle of Liberty* may not intrude into the individual's personal life except to legislate for the protection of others, so also would Government no longer be permitted access to the individual's earnings, helping itself without limit, to however much it chooses.

Government infringement of Personal Liberty in the demands which it makes upon our earnings is an issue increasingly claiming our attention; it is not just a matter of quantity, but fundamentally more important is the assumption on which such claims are based. Government takes taxes as of right, with no obligation to offer anything in return or to justify specific expenditures, and without any operational disciplines on the productive use of such taxes.

Heavy tax burdens, in many cases up to and beyond 50% of gross national earnings, place undue strain on families since both adults are compelled to go out to work leaving children to fend for themselves. And more significantly, Government is an enforced monopoly with neither incentive nor discipline to maximize its productive efficiency.

Under the *Principle of Liberty*, Government would simply not be empowered to tax citizens for any purposes except for those Legislative, Enforcement, and Essential Services – with the operation of every aspect of government strictly controlled in order to maximize productivity and thus value to citizen-customers.

A further issue in the protection of individual liberty from government-initiated interference concerns the increasing need for caution in the Enforcement Sectors, where governments are taking ever-greater presumption in their “right” to access personal records, to monitor emails and telephone conversations and perpetrate other forms of intrusion.

While such actions may be justified on the ground of fighting crime, the correct judicial procedures necessary to protect individual liberty must always be scrupulously observed – and like all forms of justice, be seen to be observed. Indeed “secret government” has no place under the *Principle of Liberty*. The duties, responsibilities and limitations of governance are clearly set out, and must at all times be conducted openly and publicly.

In today's complex world many factors are interlinked. Under the *Principle of Liberty*, where the one law: “do no harm”, is clear to government and citizen, governance becomes in reality much more democratic in the sense that government and citizens can participate and share on a more equal footing in the consistent interpretation and execution of the central policy.

There is indeed much truth in the saying “where the people lead, the leaders follow” and public commonsense can be relied upon to come up with commonsense solutions.

National Resources Plan

While a person may be considered to have an inherent right of ownership over him- or herself and the products of his or her own creation, the Natural Resources pose a different problem.

The Natural Resources are *natural*. By their very definition they are not man-made, and are therefore not automatically associated with or attributable to any individual. But people need to use natural resources for food, raw materials, habitation, commerce and recreation and must therefore make claims upon resources which are not inherently theirs. Thus it is clear that rights to the use of Natural Resources must be *created* or *apportioned*.

Various solutions have been found and practised through the ages. The law may leave individuals to fight out claims amongst themselves, perhaps with a resulting tenure by a few influential families; the law may attempt a fair and productive apportionment; or the State (or dictator or monarch) may take total resources ownership into its own hands.

In medieval Britain monarchs handed out land as rewards to their supporters, creating the great manorial estates. In the 1800s land-use patterns changed as agriculture became less important, giving way to industry and the great urban industrial centres. Thereafter it was largely the free market that determined land use, and many might believe that this continues to be the case.

In reality land-use in most developed countries today is determined by local and national planning decisions based on complex land-use rules and local planning constraints which have grown up haphazardly over the centuries, decisions often made arbitrarily and secretively, largely as reactions to events of the moment without the benefit of long-range planning or of truly open consultation.

The existing pressures on land-use can only increase, as the traditional claims we make upon land – for housing, industry and commerce, transport routes and harbours, agriculture and mining – are now being extended by increased demands for greater leisure access to countryside, preservation of areas of outstanding natural beauty, and a greater respect for the environment.

How would the *Principle of Liberty* apply to the apportionment and guidance of resources use?

We begin with the *Principle of Liberty* itself, the essence of which is: liberty, until that liberty infringes the liberty of others. On a basis of presumed liberty, the duty of government is to identify and prevent through legislation those actions which are harmful or injurious to others.

Applied to land-use, we begin with the individual's freedom to use, according to his wishes and benefit, land to which he holds or may legally obtain title. The duty of government is to review individual uses of resources in order to identify and prevent those which are disproportionate or detrimental to other users or to the environment.

In order to establish a basis for fair, equitable and responsible resources use, application of the *Principle of Liberty* would require three steps:

First, as a working foundation, the formulation of an overall National Landplan based on a full inventory of natural resources; second, estimates of current and future demands; and third the institution of a Resources-use Forum in which availability can to the best extent possible be reconciled with actual and anticipated demands.

Land has its own inherent potentialities. Certain areas may offer excellent agricultural soil while others conceal significant mineral deposits. Some areas are outstanding in natural beauty, while certain forest or river systems make their own demands for special treatment on ecological grounds. Clearly Government cannot fulfill its role as adjudicator unless and until it is fully informed as to the detailed nature of the nation's total natural resources.

The inventory of availability would take the form of a national map on which every kind of resource is clearly indicated.

The duty of those concerned with the provision of availability data must be to provide a detailed, continuously updated – and publicly accessible – inventory showing the location, extent and nature of all resources.

The Inventory would show, for example: mineral deposits, water supplies, agricultural land graded as to quality and suitability for different crops, areas of outstanding natural beauty, areas suitable for urban settlement, as well as those areas or resources which should be handled with especial sensitivity as being appropriate for wildlife preserves or necessary for environmental wellbeing.

The second stage requires the preparation of an ongoing assessment of demands upon the resources both current and anticipated, based on a thorough and fundamental analysis.

As a basis the analysis begins objectively by looking at populations and their broad, predictable needs for urban living, trade and cultural facilities, agriculture, minerals, recreation and retreat. Individuals and special-interest groups as “consumers” will then fill out the picture with additional needs and ideas such as wilderness homes or specific recreation facilities.

The two banks of resources data: the Availability Inventory, and the assessment of actual and anticipated demands, can then be coordinated by a Natural Resources and Land-use Forum to produce an overall ongoing *National Resources Plan*.

On this basis, clear guidelines can be established for such broad national uses as major agricultural needs, recreation, mining, transport and urban development.

The Land-use Forum should have its purpose and procedures clearly set out in its own Articles. Its members should represent every aspect of land and resources use; its deliberations, as well as the data on which they are based, must be open at all times to public scrutiny and input.

Its object is an ongoing National Landplan, representing the continuing definition of zoning and planning guidelines and restrictions at national level, from which local level plans can then be made.

But it is not only our Human requirements that we must consider. We need to use the Natural Resources, certainly. But we must do so within the limitations of environmental responsibility, and we must give back the equivalent of what we take through our stewardship and enhancement of our environment.

This necessary approach to our relationship with our environment can be formalized and brought into the overall resources-use planning process by the simple expedient of according to the Environment the status of a *legal entity* having its own rights, defined in law, to respectful and responsible treatment and to good stewardship, rights which must stand as equals in law to our own competing Human claims. Just as minors are represented by Counsel in courts of law, so the environment should be permanently represented by an *Environmental Protection Council*.

Some environmental objectives might be listed as follows: zero land/water/air pollution; zero garbage, requiring a determined effort to eliminate garbage at source, for example through recycling and increased use of reusable containers; phase-out of factory farming and pesticides, identification and protection of all significant natural ecosystems and major wildlife habitats.

Under the *Principle of Liberty* broad planning guidelines would be based on objective data providing accurate information on availability and informed estimates of present and future needs, formulated with the widest possible input. It is our human challenge, particularly as population pressures increase, to use our resources wisely and responsibly, minimizing waste, providing for as many needs as possible, and reaching decisions in the common interest with the minimum of misinformation and acrimony.

Interestingly, a similar policy of land-use is applied in the United States to the administration of that country’s surprisingly vast area of Public Lands. It is little known outside the United States that some 270 million acres, about one-eighth of the USA, is managed by the Bureau of Land Management (BLM) – in addition to land already set aside for National and State forests, parks, and wildlife refuges.

The BLM has been mandated by Congress to manage Public Lands on a continuing basis for multiple use and sustained yield, taking into consideration the reconciliation of the varied demands made upon the land, as well as concepts of stewardship and husbandry.

As the American public becomes more interested in outdoor leisure activities and aware of environmental issues, a broad national debate is taking place regarding the uses and protection of lands in public care. Indeed awareness of environmental needs and potential damage is increasing on a global scale. We are also becoming more aware of the need for economy in the use of land; its scarcity becomes more acute as populations and their needs expand.

Urban Development and Transport

By far the most important area for conflict-resolution and forward planning in resources-use lies in our towns, cities and built-up areas.

And here there is more at stake than simple land-use issues; for the town or city is a service in itself, a machine which must be properly designed and maintained if it is to function efficiently and fulfill the demands of its residents, its customers. Homes, jobs, shops, factories and offices, market gardening, leisure facilities, all of these and the many other needs of a civilized society are part of what may be called *community*.

An efficiently functioning community offers a wide variety of facilities and opportunities in pleasant surroundings, with easy and convenient movement between them. Needless to say, a sprawling city served by traffic-clogged streets would not be described as functioning efficiently!

If high standards are to be developed and maintained and if productive use is to be made of scarce land, the science of community design and management must be developed beyond the random reaction and counter-reaction on which we have relied in the past.

An important aspect of National Resources-use planning is the identification of the major urban centres with their dependent surrounding regions, and the transport routes joining them.

In Britain and Europe, the old market towns developed as centres for trade and culture serving their surrounding villages, farms and countryside. Movement was on a radial pattern linking the surroundings with the centre.

Though movement patterns have now become confused by random development, the basic nature and purpose of the town or city centre remains: it exists to serve as a focal point for the surrounding communities, providing opportunities for work, trade, and culture, the centre linked like a web to its outlying, dependent area.

Villages, each with its convenience store, church, kindergarten and recreational green, are linked to their nearest town which offers a wider choice of goods, services, employment and activities; towns and city suburbs are then linked to the core city, providing those highly specialized employment opportunities, goods, services and activities which can only be supported by the overall regional market and population.

The totality of city with dependent towns, villages and countryside is the County or Region, ideally of about three-quarters to a million people, self-sufficient in jobs, in choice of goods and services, cultural and intellectual amenities, with open land offering space for market-gardening, leisure and recreation.

The importance of re-establishing and redefining Regional Centres lies in focalizing commercial development at the centre and providing coordinated transport links. On this basis, the limits of villages, towns and cities can be defined, waste land can be developed, and new commercial and residential developments can be coordinated with transportation.

The fundamental definition of the Community, its nature and its purpose establishes that the Community or Region is not simply an assemblage of unrelated parts, but a working system in its own right which needs fundamental and coherent planning if it is to function efficiently whilst preserving character and a pleasant livable environment.

It is particularly important that transport patterns and routes be clearly established. The Core City must become the focal point for a radial public transport system serving the surrounding Region/County. These radial transport spokes would serve the dependent towns, with ongoing links to the smaller surrounding villages and communities.

The question of transport *mode* is also important, and here we are faced with two choices: the private car versus shared public transport. Experience has now shown clearly that the road/car system alone is not capable of satisfying our needs for fast, safe, reliable transportation.

Building more roads simply increases urban congestion and pollution, with commuting speeds reduced in many cases to near-immobility – the result of planning decisions which favoured private almost to the exclusion of public transport. The efficient functioning of livable communities, as well as the effective use of land and the minimization of pollution clearly indicate the need for an active revival of public transport services.

Public transportation should seek to provide door-to-door service. Public transport is a chain; its links must be strong, and complete. Strong links require seamless interchange between services as far as possible – cross-platform or level and short interchange between modes i.e. train-to-bus. Waiting times must be minimized through careful scheduling which in turn requires strict time-keeping which in turn requires service reliability through adequate stock and timely maintenance. A tall order yet one which many public transport undertakings already manage to achieve.

Rental bicycles and small electric hire cars in towns also provide further links in the door-to-door chain. Finally, a simple one-card-covers-all payment system makes for speed and convenience of use.

If we are to improve our air quality and urban environment, as well as the simple ease and convenience of just getting around, we need to treat public transport seriously, looking to an integrated, attractive and cost-effective network. In the longer term, public transport will function at its best when it is coordinated with urban development, returning once again to the need for informed long-range planning both at National, and Regional level.

Our traditional residential planning concepts, based on wide roads for car access, combined with road widening and provision of more parking spaces in towns and cities, only perpetuate our dependence on the car, since spread and sprawl can only be served by individual vehicles. Thus the demise of public transport becomes inevitable. Only in compact residential and urban developments can public transport flourish viably.

By concentrating rather than sprawling new urban and residential developments and by linking them with the Regional transport system we can provide both transport for the Community, and customers for the transport.

In the case of existing towns and cities, planning should seek to minimize waste land, either by infilling with residential development, or by creating parks and green spaces. Where new developments are taking place, we need to seize the opportunity and the challenge to provide homes, places of work, and commercial facilities in ways which can set new standards in self-sustainability, minimal environmental impact and minimal footprint (land surface occupied).

Self-sustainability implies making zero demands on sewage and garbage disposal systems by recycling and using natural methods of sewage treatment on-site, and minimizing demands on power generation with designs which maximize the benefits of solar power and take account of local wind and other environmental factors.

Minimizing environmental impact requires additionally the minimization of footprint through compact development and the visual integration of the development with the natural surroundings.

We need to look at totally new concepts in urban development. An artificial hill, for example, with apartments sited on its sloping exterior and commercial facilities inside its core, would create a single, compact and unified residential/commercial development with a dramatic reduction in the use of land surface and the need for transportation.

If the apartment terraces covering the “hill” surface are generously planted with vegetation, this artificial hilltown can blend perfectly with the surrounding countryside. Access behind the apartments gives each apartment frontal privacy and an unobstructed view, while the slope ensures that each apartment terrace is vertically open to sun and sky. Access to internal shops, offices and production facilities inside the hill requires only a few minutes walk or elevator ride.

The existence of an underlying National Plan based on a thorough analysis of available resources and Human requirements, together with improved urban planning and a policy of compact development would provide the foundation on which we can begin to rebuild an efficient, comprehensive, coordinated public transport network.

With shared transportation playing a larger role, town scale can be humanized and centres pedestrianized with improved amenities. Commercial centres can be reinvigorated through environmental enhancement, pedestrianization, and full integration with public transport facilities.

Effective use of scarce land, environmental improvement both rural and urban, as well as pollution reduction, all demand a firm and active policy commitment to the rapid improvement and expansion of public transport, and the coordination of public transport with all new residential and commercial development.

Looking to the future both immediate and longterm, recreation will clearly increase in importance and in its own demands on natural resources. Existing public rights of way must be properly maintained, with government assistance, perhaps, in the form of monitored project support for local enthusiast groups working voluntarily.

Biking facilities are increasingly demanded, in the form of segregated bikeways and integration with public transport.

Landpricing

The issue of fair prices relating to goods and services has been discussed in the downloadable document DLB36 ‘The Economics of Prosperity’ dealing with Economics and Commerce (download from www.arton.co). In the present context we must consider the question of land prices.

It has always been assumed that land prices should be determined by the free market. But its results are not always beneficial. The free market works at its best when there is multiple competition; when scarcity drives up prices, that is a signal to produce more.

But when land is in short supply we simply cannot produce more, so prices are bound to rise. Rising land prices tend to favour sprawl, as homes, shopping malls and businesses naturally seek to move out to areas of less value.

More seriously, rising land prices are economically regressive. Prosperity is created by productivity, by increasing value without increasing cost. Rising land prices do just the opposite: they increase the cost of land without increasing its inherent value, and this has a similarly inflationary effect on the services using land. This is particularly evident in major cities, as “value” in the sense of what buyers get for their money, decreases as land prices increase.

There is little or nothing in the way of goods and services which is not affected by the price of land; rising real estate prices affect everything from offices to retail shops, cafés, and places of entertainment. The escalation of land prices is a major contributor to the high cost of urban living. It can also cause a deterioration in urban quality of life; many of Europe’s old established city cafés which have for centuries been centres for meeting and socializing are now being forced to close as a direct result of escalating rents.

If the city or town centre is to retain or regain and develop its function as a gathering place, it will be necessary to ensure that newly developed areas in city centres, particularly areas reclaimed from public or industrial use, should be subject to price stability so that rents are economic for those low-profit uses such as markets and cafés which provide vitality and enjoyment for users.

This could be accomplished, for example, by vesting tenure in the hands of a locally administered Urban Trust, which would then ensure maintenance and management of the facility either itself or by a contracted agency. In many European countries especially France, a public covered market provides trading space for fresh produce at an economical rent, as also does the open market place.

Of equal importance is affordable housing. A home is one of the very foundations of life itself. In many developed countries today house prices have already risen beyond the point where young people entering the market can hope to afford a decent home. In Britain much of the nation's housing stock was built to minimal standards in the 19th century and is no longer worthy of a civilized society.

The provision of new affordable housing requires a determined effort to study and to implement the latest and most cost-effective building techniques from around the world, especially the USA. Building-land costs must also be minimized; this can be achieved by utilizing redundant industrial land, and by locking-in present agricultural prices when agricultural land is given over to housing development.

New homes built in the “affordable” category should be rented or leased rather than sold outright so that resale prices can also be stabilized.

We should be looking not at subsidy, but at the maximization of productivity and the avoidance of inflated land costs. Whatever problems exist must be overcome: increasing cost without increasing inherent value is economically regressive, raises the cost of living, reduces prosperity, ties up increasing amounts of capital, and puts a home, that most basic of human needs, progressively out of reach, particularly for young families seeking starter homes.

A sufficient stock of at-cost rental and leasehold accommodation provides a firm basis, helping to stabilize property values and thus avoiding, or at least reducing the risk of the pattern of over-valuation, leading to excessively burdensome mortgage payments with the ever-present risk of widespread default and resultant recession of which recent history has witnessed a clear example.

It is the responsibility of Government, at national and local level, to ensure through informed, participatory and enlightened planning that the Nation's natural resources are used fairly, productively, and responsibly.

Economics and Commerce

The *Principle of Liberty* defines the duty of Government as the formulation and enforcement of Legislation which will ensure that in the exercise of their liberties citizens do not harm, injure, or infringe the liberties of one another.

The *Principle of Liberty* thus rests on a Presumption of Liberty, the presumption that the individual is free unless harming or injuring others. In business and industry this corresponds to a presumption of *Free Enterprise* as the basis of Government economic policy.

While it is vital to allow citizens' enterprise and initiative to realize its full potential in the creation of prosperity with minimal government interference, formalities and red-tape, it is equally important to ensure that citizens do not enhance their own prosperity at the expense of others through unfair or dishonest practices. A high standard of living and prosperity is already technologically within our grasp, and we have human talent in abundance which is constantly creating new ideas and new products; there is no need to obtain wealth through the disadvantaging of others.

While Government should intervene promptly when necessary to ensure that business is not carried out in ways which are detrimental to co-workers, customers, or the environment, it is equally important to avoid over-regulation. Even in self-styled capitalist, or free-market countries, business is becoming increasingly over-burdened by government regulation, much of which is not directly concerned with ensuring fair play in the market place. Excessive regulation places a heavy financial burden on business which must eventually be borne by its customers resulting in higher prices and a correspondingly lower standard of living.

The *Principle of Liberty* would not permit Government to own or operate commercial services. The role of the Private Sector is creative and productive; the role of Government is regulatory. If Government does its essential job of making sure that business and industry conducts itself in a socially responsible manner there is no need for nationalization.

Indeed, it is important to stress that Government ownership and operation of any commercial service or business invalidates Government's ability to legislate without bias; to whom does the citizen complain about industrial pollution when the Government owns the polluting industry?

Law is brought into being to prevent those actions which are harmful or detrimental to others. But the law is limited to providing the protection of liberty from identifiable infringement, and should avoid oppressive or intrusive law which itself constitutes a prime erosion of liberty.

This gives us a policy approach, not of unregulated Free Enterprise on the one hand, nor of Socialistic takeover by the State, or burdensome over-regulation on the other, but a policy falling between the two, a policy of *Socially Responsible Free Enterprise*.

Under the guidance of this policy the role of Government in the area of the economy, business and commerce is clearly defined; its essential task is to identify those areas of potential commercial conflict in which the actions of some participants may be detrimental to others, then to prevent such actions through appropriate legislation.

Value

The major point of contact between the various participants in business and commerce – employees and employers, producers and consumers, as well as investors – is trade or exchange. And the main aspect of exchange 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'.

Can government be held to such high standards of performance, yet within such strict limits on its own activity? 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' from www.arton.co