FREEDOM, LAW AND MORALITY:

A LIBERTARIAN-CONSERVATIVE VIEW

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One of the dichotomies of the present Conservative government is its combination of a modicum of economic liberalism with a degree of social and moral authoritarianism. Some Conservatives, such as some of those in the Salisbury Group, advocate laissez faire economics, but insist that government has a vital role to play in imposing morality and social order. Such conservatives ascribe what they see as the breakdown of society and the increase in the crime rate to the "immoral permissive society", and clamour for greater censorship of pornography and television. Their catch phrases are "public morality" and the interests of society "as a whole". I propose to refer to such ideologues as social collectivists.

The Libertarian-Conservative Position

Libertarian conservatives believe that the only proper functions of government are the protection of life, liberty and property, which includes the preservation of the territorial integrity of the nation from external aggression. So long as individuals do not violate the rights of others or commit treason (or incite others to do so) they should have complete freedom to run their own lives and seek their own salvation.

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FOR LIFE, LIBERTY AND PROPERTY

The Indivisibility of Economic and Social Freedom

Methodologically, economic freedom and social liberty are indivisible. Economic activity is but one form of human or "social" action.

In fact, any attempt to draw a clear distinction between "economic" and "social" freedom is doomed to failure. Close inspection of so many ostensibly "non-economic" issues reveals market forces at work. Indeed, it is hard to see how the manufacture and/or sale of, for example, drugs, pornography, or sexual services becomes a non-economic issue in the eyes of certain conservatives. To paraphrase Professor Hayek, to be regulated in our social and moral pursuits is ultimately to be regulated in our economic activities too.

Those who believe that the state must impose morality and a "social order" other than by the prevention of crime and aggression are guilty of vague thinking and intellectual imprecision.

Whose Morality?

Firstly, the morality which is to be imposed is by no means inevitably that of ordinary decent people. It might simply be the subjective or arbitrary "morality" of their rulers, as in Iran, or in the case of the South African Immorality Act. Who are politicians with their own failings to dictate what others may or may not do in the privacy of their own property?

Crime and Permissiveness

Secondly, it may be argued that the past three decades have witnessed the strengthening of legislation in the realm of private morality. I would point to The Sexual Offences Act of 1956, the possession clauses of the Misuse of Drugs Act 1971, and the Obscene Publications Act.

Moreover, to attribute, as do the followers of Mary Whitehouse, the increase in crime to the "corruption of public morals" occasioned by the ostensible lack of censorship is wrong. There is no evidence for the

proposition that watching films of an erotic or aggressive nature leads people to violate the rights of others. There are simply no logical or causal connections. By her own admission it would appear that Mrs Whitehouse spends more time than the rest of us watching violent or erotic films — in the pursuit of her role as protector of our moral welfare — yet has she been led to commit the acts portrayed?

If anything, psychological research indicates that if violent or erotic films or literature are influence people's behaviour at all, their effect is much more likely to be cathartic, to provide a release from tension. Thus any attempt by the state to deny people the catharsis of pornography or "nasties" may well have the effect of increasing tension in society.

The advocates of increasing censorship enthusiastically capitalise on statements by convicted rapists or murderers that their heinous deeds were the result of being "corrupted" by this or that film or book. To accept the assertions of criminals or their lawyers unquestioningly is to be either astonishingly naive or disingenious. Violent and wicked criminals are all too keen to make pathetic excuses for their behaviour, thereby increasing their expectations of judicial mitigation and a softening of public aversion.

Leaving aside the issue of increasing deception and reporting of offences, the increase in crime during the 1970's should ascribed firstly to judicial laxity in punishing those who violate the rights of others and secondly to the fact that in London the prosecution of organised crime was hindered by the corruption that then paralysed key sectors of the Metropolitan Police. And that corruption was directly the result of the deployment of the police in the fruitless attempt to enforce "victimless crime" laws against sexual services, pornography, and drugs.

The Real Evil: Collectivised Ethics

If any social or cultural factor has assisted real social breakdown and the rise in crime it has been what we might call the collectivisation of ethics: the notion that an individual is not responsible for his or her own actions; that "poverty", "unemployment", "police harassment", "racism" or "the influence of television" determine his or her actions. It is this ethos which creates a cultural climate within which criminality becomes less unacceptable, not the absence of censorship, or any vague puritanical notion of "immorality".

I propose that state imposed morality is a form of collectivisation of ethics because it removes from the individual the responsibility of making his or her own moral desisions.

State enforced morality in practice is state victimisation of non-aggressing individuals, just as much as much as state intervention in the economy.

Coercive Altruism

The other cultural factor which assists the increase in crime is that of coercive altruism. Altruism (as opposed to charity or benevolence) is in its pure form the belief that it is immoral for men to act in their own self-interest and that the only proper moral existance of men is as the means to the ends of others or for the "common good". State socialism, founded as it is on the premise of "from each according to his ability to each according to his needs" is the purest form of coercive altruism. In socialist and "mixed economy" systems the right to property, to the fruits of ones labours or voluntary trade with others, is not inviolable and is constantly undermined. In such an altruistic society some people will brazenly present themselves (or be presented) as those "others", for whom those perceived to be "rich" must sacrifice themselves (or be sacrificed). And if the state cannot complete the redistribution process fast enough, then they will help themselves.

Socialist rhetoric undoubtedly increases crime. Indeed, socialism is a mystified apologia for and ideology of crime. It is no accident that the crime rate has increased in this country precisely with the growth of collectivism and altruism.

Spontaneous Social Order

It is absurd to suggest that a moral and social order has to be imposed on a free society. On the contrary, morality in a free society arises spontaneously from a vast network of individuals making their own moral choices. Professor Hayek in *Law, Legislation and Liberty* has shown how people form a spontaneous social order, a product of human action but not of human design. Recent research by Robert Axelrod, descibed in his *The Evolution of Cooperation* has further conclusively proved that this beneficent spontaneous order arises in a free society and need only start with "a cluster of individuals relying on reciprocity". It does not depend upon foresight, rationality, religion, trust, altruism or state imposed morality. And it exactly parallels the forces of a free market economy. Just as state intervention in the market place brings calculational chaos into the harmony of the market order, state intervention in the realm of private morality and "social" or "moral" action impedes the development of a spontaneous social order.

State "moralism" therefore is founded on the false premise that human perfection can be achieved as a result of government design.

If Conservatives are to win the ideological battle against socialism and collectivism, our advocacy of liberty must be clear and consistent. The ethical collectivism of certain factions of the Conservative Party must replaced by that wholesome and enlightened liberalism which has characterised the British tradition of political thought and practice.