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**Mont Pelerin Society  
2004 General Meeting  
in Salt Lake City, Utah**



A handwritten signature in black ink, appearing to read 'F. A. Hayek'.

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**F. A. Hayek in his discussion of spontaneous order states:**

*"The extension of an order of peace beyond the small purpose-oriented organization became thus possible by the extension of purpose-independent ('formal') rules of just conduct to the relations with other men who did not pursue the same concrete ends or hold the same values except those abstract rules - rules which did not impose obligations for particular actions (which always presuppose a concrete end) but consisted solely in prohibitions from infringing the protected domain of each which these rules enable us to determine. Liberalism is therefore inseparable from the institution of private property which is the name we usually give to the material part of this protected individual domain."*

F. A. Hayek, "The Principles of a Liberal Social Order, " (A paper submitted to the Tokyo Meeting of the Mont Pelerin Society, September 1, 1966 and published in *Il Politico* (December, 1966) in Chiaki Nishiyama and Kurt R. Leube, editors, *The Essence of Hayek* (Stanford, CA, Hoover Institution Press, 1984) p. 368.

Hayek proposes the Rules of Just Conduct as the basis for a peaceful society of reciprocity and free exchange among peoples of different cultures. How do the Rules of Just Conduct emerge in any society? What are the standards for the "prohibitions from infringing the protected domain"? Is mutual adherence to the Rules of Just Conduct the basis for peaceful intercourse among cultural different peoples? Why is private property an indispensable condition for the creation of these Rules of Just Conduct?



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*“Property is the only solution men have yet discovered to the problem of reconciling individual freedom with the absence of conflict. Law, liberty, and property are an inseparable trinity. There can be no law in the sense of universal rules of conduct which does not determine boundaries of the domains of freedom by laying down rules that enable each to ascertain where he is free to act.”<sup>1</sup>*

*“The system of private property is the most important guaranty of freedom, not only for those who own property, but scarcely less for those who do not.”*

Friedrich August von Hayek

In his trilogy *Law, Legislation and Liberty* the Nobel Price winner Friedrich August von Hayek argues that if we consider liberty to be of intrinsic value we must aim at the preservation of a spontaneous order based upon a general agreement on rules of just conduct. Rather than having concrete particular ends these rules aim at stabilizing a neutral or goal-independent framework within which people can pursue their own ends. *“Rules of individual conduct ... determine only certain abstract properties of the resulting order, but not its particular, concrete content.”<sup>2</sup>*

This essay will examine these rules of just conduct more closely by first looking at minor definitional questions and then at the evolutionary development of these rules. After that the concept underlying the rules of just conduct, the notion of the “protected domains”, will be addressed. Before moving on to the issue of private property as a pre-condition of civilization and of justice properly understood, the essay will shortly deal with the question of cultural differences and the ease of dealing with those peacefully by the application of the rules of just conduct.

Before any examination of the rules of just conduct a clarification of crucial terms is required. First of all, classical liberalism defines liberty as the *absence* of coercion and thus defines it negatively. *“By ‘coercion’ we mean such control of the environment or circumstances of a person by another that, in order to avoid greater evil, he is forced to act not according to a coherent plan of his own but to serve the ends of another.”<sup>3</sup>*

Second, the term just can only be applied to an individual’s conduct and not to a state of affairs. When it refers to a state of affairs it indirectly refers to the actions that brought this state about and not the state itself. The very notion of justice only makes sense in the context of human action.

Third, it should be noted that Hayek distinguishes between rules of just conduct (*nomos*) which are abstract rules in the sense that they apply to an unknown number of future instances rather than particular situations and between the commands or directives (*theseis*) of an organization (*taxis*) which are always intended to bring about a particular result. That both kinds of rules are today commonly called law does not obscure their distinctive meaning. Most of what is called private and criminal law belongs into the realm of rules of just conduct whereas public law concerns itself with the obedience to commands of an organization.

Finally, the rules of just conduct which Hayek proposes lay the foundations of a spontaneous order or *cosmos* that enables man to live in a “Great Society” free of coercion. Yet, in ordinary language the term “order” is commonly identified with the obedience of particular end-oriented rules. These kinds of order Hayek defines as the aforementioned organizations. A spontaneous order necessarily consists not only of individuals but of voluntary organizations with the modal type of organization being that of the family.

## How do the rules of just conduct emerge in any society?

Much confusion about the origins of law and the rules of just conduct has arisen due to the false dichotomy between what is termed “natural” (*physei* which means “by nature”) and “artificial”. More precisely, “artificial” can have two very distinct meanings one of which is artificial “by deliberate design” (*thesei*) the other is artificial “by convention” (*nomo*). In this sense all laws are anthropomorphic either by intention (public law) or by convention (private and criminal law). The assumption that all law is artificial by deliberate design underlies the fallacies of rationalist constructivism. The next section shall introduce Hayek’s understanding of the emergence of rules of just conduct (*nomos*) by convention.

In the course of biological evolution man – like many animal species – never was an individualist but was organized in tribes in order to protect himself against the threats of nature. Such tribes were self-sustaining *organizations* with a common purpose (*teleo*) and necessarily had a similar hierarchy of ends and a broadly comparable state of knowledge. Their common purpose was mere survival and the satisfaction of basic needs. Apparently, it was favourable for the survival of a teleocratic horde to have its members strive for a common end and submit their own wants to the ends of the group. As only those tribes whose members adopted purpose-dependent rules survived, by evolution, mankind inherited a certain innate, natural desire to pursue collectivist aims. ***“There is in the beginning no distinction between the practices one must observe in order to achieve a particular result and the practices one ought to observe. There is just one established manner of doing things, and knowledge of cause and effect and knowledge of the appropriate or permissible form of action are not distinct.”***<sup>4</sup> So what was positive behaviour was at the same time necessarily normatively expected behaviour.

In the course of the cultural evolution customs and conventions emerged in a process of trial and error. Traditions beneficial to the group or its individual members were adapted. Hayek argues that since mind and culture evolved concurrently man did not deliberately design these traditions but rather adopted them for expediency<sup>5</sup>. What is important is that these traditions – as they have arisen from a process of trial and error – became bearers of knowledge of past generations, knowledge that can neither be made explicit nor entirely comprehended. This is why rationalist debates about the deliberate creation of a wholly new legal order that does not rely on traditions have to take this feature of traditions into account. If they do not, their arguments are incomplete. By preventing people to act in accordance with generally observed conventions one deprives them of valuable implicit (or tacit) knowledge.

A landmark in the process of cultural evolution was the peaceful (in contrast to coercive) resolution of conflict<sup>6</sup> which required people to accept and tolerate that others had different ends of the own. With an increasing division of labour *and* the acceptance that people have a different hierarchy of ends the rules that governed the tribal society *“must progressively shed their dependence on concrete ends, and by passing ... become gradually abstract and negative”*<sup>7</sup> in order to be applicable to a more complex and open society. In this process the suppression of innate tribal instincts is crucial; as Hayek points out *“the morals which maintain the open society do not serve to gratify human emotions – which never was an aim of evolution – but they served only as the signals that told the individual what he ought to do in the kind of society in which he had lived in the dim past. What is still only imperfectly appreciated is that the cultural selection of new learnt rules became necessary chiefly in order to repress some of the innate rules which were adapted to the hunting and gathering life of the small bands of fifteen to forty persons, led by a headman and defending a territory against all outsiders. From that stage*

*practically all advance had to be achieved by infringing or repressing some of the innate rules and replacing them by new ones which made the co-ordination of activities of larger groups possible.”<sup>8</sup>*

This is not only true for tribal instincts but also for instincts regarding individual human behaviour. For example, evolutionary psychology explains the automatic blaming for a “scapegoat” in the instance of personal failures as an unconscious protection mechanism of the mind. In essence demands for redistribution in the name of “social justice” are nothing but an extension of this scapegoat principle to society at large.

While the emergence of these abstract end-independent rules of just conduct in the transition from what Karl Popper termed face-to-face, tribal society to an abstract society (or *nomocracy*) was not a result of deliberate design but of evolution it is not entirely clear whether the evolution of these rules has given rise to different, competing sets of rules or whether there truly was a “convergent evolution” with a unique set of abstract rules<sup>9</sup>. Independent of whether or not alternative ideal sets of rules exist, it seems that certain types of rules are conducive to peaceful co-operation – and these are the rules prevalent (though they are not necessarily embedded in legislation) in Western civilization.

In this context, it should be pointed out that in contrast to biological evolution for cultural evolution between-group selection processes play as much a part as within-group selection. Empirically, it is evident that when man is not prevented to vote with his feet the major streams of (between-group) migration are into cultural zones where the Western rules of just conduct are more or less obeyed (big cities within developing countries or the Western hemisphere itself) whereas tribal and rural areas are mostly abandoned. This clearly reveals people’s preferences.

As far as the development of these abstract rules is concerned they are in no way universal, that is, valid across time and space. This means they are not static. On the other hand, this does not imply that they are particularly dynamic either. Quite the opposite is true. The way in which they ought to be – and in fact really are – improved is by “immanent criticism” i.e. not by abolishing all rules and constructing an entirely new set of rules from scratch but by embedding their development carefully into the existing and accepted set of rules based on tradition. *“It may at first seem puzzling that something that is the product of tradition should be capable of both being the object and the standard of criticism. But we do not maintain that all tradition as such is sacred and exempt from criticism, but merely that the basis of criticism of any one product of tradition must always be other products of tradition which we either cannot or do not want to question; in other words, that particular aspects of a culture can be critically examined only within the context of that culture.”<sup>10</sup>* Historically, revolutionary periods were times in which attempts were made to completely abolish the “old order” usually with fatal consequences.

Hayek proposes the impartial judge to identify the prevalent rules of just conduct and apply them to particular instances when people are in dispute about them. The judge is thus solely an interpreter of already existing rules of just conduct and a separate legislator is not required. This approach radically differs from the rationalist Cartesian approach of legal positivism which maintains that the whole universe of rules can be deductively derived from first axioms. This school of thought, however influential it might have been, ignores the very limitations of the human mind that made rules necessary in the first place. Rules became necessary because while knowledge of the particulars was dispersed they still needed guidance as to what was permitted in order to pursue the ends of their choice. The construction of a notional “veil of ignorance” behind which wise men might construct a just society is nothing

but an interesting thought experiment with no relevance whatsoever to the real world.

It remains to conclude that abstract rules should be of negative nature and as such prohibiting rather than prescribing certain actions. The reason is that only such a negative character enables people to act without being coerced while at the same time ensuring that they do not harm others in ways that disappoint legitimately formed expectations. So these rules define protected domains within which the individual is permitted to do as he pleases irrespective of the ends of others. *“As in the case of many other good things, such as quiet, health, leisure, peace of mind, or a good conscience, it is the absence of certain evils rather than the presence of positive goods which is the pre-condition of the success of individual endeavours.”*<sup>11</sup> The negative nature of the rules of just conduct makes the test of justice also a negative one. Rather than formulating what justice means in a positive sense, which nobody could agree on, one ought to define it as the absence of injustice.

### **What are the standards for the “prohibitions from infringing the protected domain”?**

As outlined above the abstract rules that have evolved are negative and purpose-independent. What these rules provide is a framework within which each individual has to choose the means necessary to pursue his ends. In order to do so sensibly he needs certainty about what he can reasonably count upon, *“what material objects or services he can use for his purposes, and what is the range of actions open to him. They [the rules of just conduct] cannot, if they are to secure to all the same freedom of decision, give similar assurance of what others will do, unless these others have voluntarily and for their own purposes consented to act in a particular manner.”*<sup>12</sup>

This means that an “infringement of the protected domain” includes, for example, the positive prescription of what market value of certain possessions would have to be. A prohibition of infringement of the private domain implies that some expectations have to be frustrated. *“Rules of just conduct cannot protect all interests, not even all interests which to somebody are of great importance, but only what are called ‘legitimate’ expectations, that is expectations which the rules define and ... may sometimes have created in the first instance.”*<sup>13</sup>

So the rules of just conduct do not positively define the particular content of conduct and thus the purpose of actions but rather lay down the conditions under which peaceful interaction is feasible. They cannot prohibit actions that harm others (because we only imperfectly appreciate the relation between cause and effect) but they can protect certain expectations that are necessary for peaceful dealings with each other. In that sense they are negative and prohibitive.

Despite of that some positive (i.e. prescriptive) traditions have emerged such as the duty of assistance in danger on high seas which clearly infringe the protected domain. However, these are extreme situations not comparable to those which serve to justify the degree of governmental power and the positive content of legal rules we witness today. And even in those extreme situations the morality of a positive duty to assist is unclear; for instance, a general positive duty to preserve life completely ignores the right of self-determination of terminally ill people who want to die peacefully and with dignity (an issue discussed today under the name euthanasia). Regarding positive obligations in general Hayek remarks: *“That ‘general obligation to help and sustain one another’ ... characteristic of the tribal society and especially the kinship group, and for the lack of which the Great Society is generally blamed, is incompatible with it and its abandonment part of the price we pay for the*

*achievement of a more extensive order of peace. This obligation can exist only towards particular, known people – and though in a Great Society it may well be a moral obligation towards people of one’s choice, it cannot be enforced under equal rules for all.”<sup>14</sup>*

In circumstances where the very existence of the Great Society is threatened the “prohibition from infringing the protected domain” can be superseded such that for a limited period of time the Great Society is transformed into an organization with a sole purpose which is mere survival. Yet a good degree of caution is imperative in such circumstances since throughout history war has often resulted in a permanent increase in governmental power. So one always needs to be weary of whether the benefits of removing a threat to the Great Society is worth the temporary expansion of governmental power which itself might pose a threat to the continued existence of the Great Society or, at very least, is difficult to reverse<sup>15</sup>.

So for example welfare measures by the government intended to appease potential revolutionaries resulted in a slippery slope to serfdom which might even have favoured the aims of the revolutionaries in the long run<sup>16</sup>. *“Indeed, what will certainly be dead in the long run if we concentrate on immediate results is freedom.”<sup>17</sup>*

The vital point about the standards for the “prohibition from infringing the protected domain” is that freedom can only persist if it is not sacrificed for expediency but rather considered an absolute, intrinsic good. If this was not the case and the preservation of freedom was weighted against some other “good” (which is not identical for all people) society would be ordered along the lines of an organization (Hayek’s *taxis*) that seeks concrete ends and thereby ignores that the individuals of which it consists have different hierarchies of ends. The forceful imposition of a supposedly general hierarchy of ends in the name of race, class, social justice, or environmental protection coerces people to do what is neither in their intent nor in their interests and thus a violation of their dignity.

So to reiterate, the standards for the “prohibitions from infringing the protected domain” are very high and absolute. As a matter of principle the only exemption that ought to be made is thus when the very order that is the result of the protected domains is threatened by hostile organizations (since per definition there is no such thing as a hostile spontaneous order<sup>18</sup>). And even then the protected domain should only be violated to the extent necessary and appropriate, and for a foreseeable period of time with a defined termination conditional upon the attainment of a new state of nature (e.g. the defeat of the enemy). Also, possible emergency infringements should be widely known *ex ante* and should not be at the discretion of the incumbents of government. It is, of course, obvious that voluntary infringements of the protected domain were not subject of the preceding argument.

### **Is mutual adherence to the rules of just conduct the basis for peaceful intercourse among cultural different peoples?**

As aforementioned the rules of just conduct are defined negatively in the sense that they delimit abstract spheres or private domains. By that they completely eliminate all sources of violent conflict between individuals that accept them as binding.

In order to understand the framework for peaceful co-ordination of activities an awareness of the central role of the dispersion of knowledge is necessary. People do not know all the particulars of the consequences their actions and therefore cannot be blamed for outcomes which they – as a matter of fact – do not intent to bring about. Co-operation of people with different ends became possible only because they could not know the particular consequences of their action. In fact, if they had complete

knowledge of the consequences of their actions and different ends only coercion could resolve conflicts of interest. The absence of perfect knowledge results in a world of co-operation preserving the dignity of the individual rather than subordination. So the adaptation of rules that are binding and at the same time acceptable to all is a direct consequence of our constitutional ignorance regarding cause and effect. For the sake of argument let us suppose that all men were omniscient, that is, they had complete knowledge of the consequences of all their actions. If, additionally, different individuals had different hierarchies of ends, then the relationship between two men with different ends must necessarily be one of hostility and subordination. Thus the Carl Smittian friend-enemy distinction is truly valid only if all men are omniscient. Yet, as omniscience is a logically impossible assumption men are not necessarily enemies even if they belong to different organizations and thus do not share the same ends. It is basically the introduction of barter and exchange due to incomplete knowledge that resulted in the peaceful order we find today between people of different cultures. *“The discovery that by substituting abstract rules of conduct for obligatory concrete ends made it possible to extend the order of peace beyond the small group pursuing the same ends, because it enabled each individual to gain from the skill and knowledge of others whom he need not even know and whose aims could be wholly different from his own. The decisive step which made such peaceful collaboration possible in the absence of concrete common purposes was the adoption of barter or exchange. It was the simple recognition that different persons had different uses for the same thing, and that often each of two individuals would benefit if he obtained something the other had, in return for his giving the other what he needed. All that was required to bring this about was that rules be recognized which determined what belonged to each, and how such property could be transferred by consent.”*<sup>19</sup>

Indeed, the most devastating intellectual constructs of the 19<sup>th</sup> century, nationalism and socialism<sup>20</sup>, were essentially based on the artificial and erroneous assumption of a generally acceptable ordered set of ends (which mirrors Rousseau’s earlier concept of the *volonté générale*) which produced a sense of identity based on the instincts we inherited from our tribally organized ancestors. This sense of identity transformed formerly civilized and peaceful individuals into mass murderers willing to kill in the name of race or class. So the calamities of the 20<sup>th</sup> century were as much a result of the particular historical circumstances as they were the inevitable consequence of these flawed ideas stemming from the preceding 19<sup>th</sup> century.

Mutual adherence to the rules of just conduct is the basis for an order of peaceful exchange, a spontaneous market order which Hayek calls the *catallaxy*. This term is derived from the Greek verb *katallatein* or *katallassein*, one of whose meanings apart from “to exchange” is *“to change from an enemy into a friend”*<sup>21</sup> – an interpretation that conveniently exposes the origins of the peaceful intercourse among cultural different people.

*“This application of the same rules of just conduct to the relations to all other men is rightly regarded as one of the great achievements of a liberal society. What is usually not understood is that this extension of the same rules to the relations to all other men (beyond the most intimate group such as the family and personal friends) requires an attenuation at least of some of the rules which are enforced in the relations to other members of the smaller [teleocratic] group. If the legal duties towards strangers or foreigners are to be the same as those towards the neighbours or inhabitants of the same village or town, the latter duties will have to be reduced to such as can also be applied to the stranger.”*<sup>22</sup>

In the next section we will see why *“good fences make good neighbours”*<sup>23</sup>.

## **Why is private property an indispensable condition for the creation of the rules of just conduct?**

We have seen that the rules of just conduct developed in an evolutionary manner and are based on a combination of instincts, traditions and (to a lesser extent) reason. What is crucial is that knowledge bearing traditions outweigh and suppress primary instincts. Also, it was demonstrated that the essential justification for commonly adopted abstract rules is that they guarantee the fulfilment of “legitimate” expectations. *“The rules of just conduct thus delimit protected domains not by directly assigning particular things to particular persons, but by making it possible to derive from ascertainable facts to whom particular things belong.”*<sup>24</sup>

In a world of scarce resources with the life span and talents of an individual naturally limited it is a matter of fact that when people specialize in a certain occupations they trade off particular knowledge in one area for particular knowledge in other areas. So the division of labour and the benefits of such a specialization are logically and causally connected with a dispersion of knowledge. One implies the other. Nevertheless, a division of labour is feasible within organizations as well, the added advantage of property rights is that one can benefit from the efforts and skills of people who - other than the members of one’s own organization - do not share the same hierarchy of ends. *“The parties are in fact more likely to benefit from exchange the more their needs [and thus theirs ends] differ.”*<sup>25</sup> So what David Hume called “the three laws of nature” that of the *“stability of possession, of its transference by consent, and of the performance of promises”*<sup>26</sup> were adopted not only because they quantitatively extended the set of possible interactions but they also qualitatively extended this set because the benefits from exchange rose disproportionately precisely because of the divergent ends of the participants.

If there was no such institution as ownership voluntary trade would be impossible because nobody had a clearly identify designated *“range of objects over which only particular individuals are allowed to dispose and from the control of which all others are excluded”*<sup>27</sup>. The allocation of property rights as the material basis of the rules of just conduct was discovered not intentionally designed. This is due to the fact that without institutionalized ownership trade which we can empirically observe is logically impossible. The abstract concept of property becomes only recognizable by the application of the rules of just conduct to concrete facts. Further, without the institution of ownership there would be no way to tell whether or not an act was legitimate and just. As John Locke put it *“where there is no property there is no justice.”*<sup>28</sup>

Only exchange and a market order based on private property make peaceful reconciliation of divergent purposes possible. *“There would exist not harmony but open conflict of interests if agreement were necessary as to which particular interests should be given preferences over others. What makes agreement and peace in such a society possible is that the individuals are not required to agree on ends but only on means which are capable of serving a great variety of purposes and which each hopes will assist him in the pursuit of his own purposes.”*<sup>29</sup>

As we have seen property and the “three great negatives” liberty, peace and justice are inseparable from each other and form the basis of modern civilization. What is urgently required today is awareness in the public and in intellectual circles of their causal relationship.

In his essay on *What is Enlightenment?* Kant wrote “Enlightenment is man's emergence from his self-imposed immaturity.” Liberty today is most threatened is not by revolution but at the margins due to the negligence of the abovementioned

causal relationship. Kant resumes “*Sapere Aude!* Have courage to use your own understanding!”; today, we are in urgent need of a second period of intellectual Enlightenment, so that one might extent his call and ask people to both have the courage and humility to admit what they do not and cannot know. Because only then, it seems, the spontaneous order can prevail and threats to freedom eliminated. Only if man consciously accepts his ignorance and truly subscribes to *scio me nihil scire* he can emancipate himself from his self-imposed subjection under the rule of others. With an optimistic interpretation of the recent past, one and a half decade after the end of the Cold War, it appears that even the “Socialism light” version of the welfare state is well on its way to collapse both fiscally and morally. At the very least it has lost much of its popular appeal. So in the end it might be the over-quoted “normative force of the factual” that brings men closer to living in Hayek’s Great Society which is solely a spontaneous order and the direct opposite of a purposively designed utopia.

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<sup>1</sup> F.A. v. Hayek (1973) “Law, Legislation and Liberty” (3 Volumes), Routledge & Kegan Paul: London. Vol. 1, p. 107

<sup>2</sup> *ibid.* Vol. 2, p. 32

<sup>3</sup> F.A. v. Hayek (1976) “The Constitution of Liberty”, Routledge & Kegan Paul: London. p. 20

<sup>4</sup> *op. cit.* Hayek (1973) Vol. 1, p. 18

<sup>5</sup> *ibid.* Vol. 3, p. 163 “*Man did not adopt new rules of conduct because he was intelligent. He became intelligent by submitting to new rules of conduct.*”

<sup>6</sup> It was once remarked that the beginning of civilization was probably the day when the first man instead of throwing a stone made an insulting remark.

<sup>7</sup> *ibid.* Vol. 2, p. 38

<sup>8</sup> *ibid.* Vol. 3, p. 161

<sup>9</sup> This is why Hayek is sometimes accused of cultural relativism.

<sup>10</sup> *ibid.* Vol. 2, p. 25

<sup>11</sup> *ibid.* Vol. 3, p. 131

<sup>12</sup> *ibid.* Vol. 2, p. 37

<sup>13</sup> *ibid.* Vol. 2, p. 37

<sup>14</sup> *ibid.* Vol. 2, p. 165 note 12

<sup>15</sup> Or Milton Friedman once famously put it “*Nothing is more permanent than a temporary government measure.*”

<sup>16</sup> Some people claim that indeed to most successful political party in the United States was the Socialist Party which despite of less than one million votes could almost fully implement their program from the 1920s including minimum wages etc.

<sup>17</sup> *ibid.* Vol. 2, p. 29

<sup>18</sup> There is also empirical evidence for the “Democratic Peace Theory” which maintains that stable liberal democracies do not fight each other.

<sup>19</sup> *ibid.* Vol. 2, p. 109

<sup>20</sup> The most devastating intellectual concept of the last century was possibly environmentalism. We have yet to witness the restrictions on liberty due to its underlying reasoning.

<sup>21</sup> *ibid.* Vol. 2, p. 108

<sup>22</sup> *ibid.* Vol. 2, p. 89

<sup>23</sup> *ibid.* Vol. 1, p. 107

<sup>24</sup> *ibid.* Vol. 2, p. 38

<sup>25</sup> *ibid.* Vol. 2, p. 109

<sup>26</sup> *ibid.* Vol. 2, p. 40

<sup>27</sup> *ibid.* Vol. 1, p. 107

<sup>28</sup> *ibid.* Vol. 3, p. 194

<sup>29</sup> *ibid.* Vol. 2, p. 3