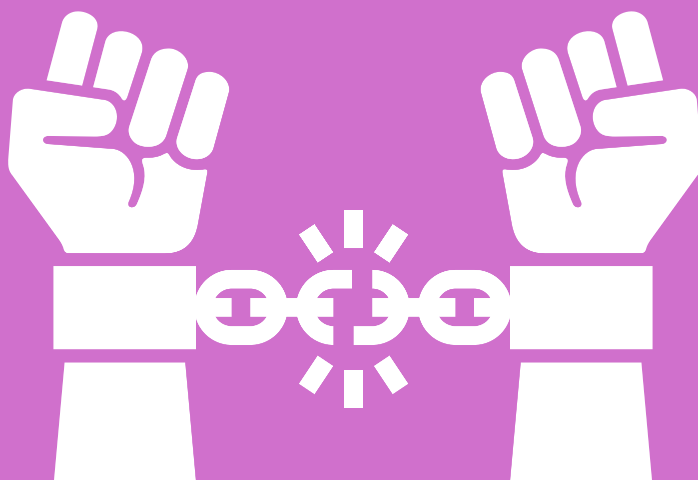
RECLAIMING FREEDOM

THE CASE FOR A 21ST CENTURY BILL OF POWERS AND DUTIES

LIAM BYRNE MP
FOREWORD BY JON CRUDDAS MP



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FOREWORD 2
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INTRODUCTION 5

CHAPTER 1 9
Why freedom?

CHAPTER 2 12
The long march of freedom

CHAPTER 3 19
The forward march of freedom halted

CHAPTER 4 26
A new birth of freedom

CONCLUSION 36

ACKNOWLEDGEMENTS 38

ENDNOTES 39

FOREWORD

The government is determined to axe the Human Rights Act and reset both our strategic global position and the rights and freedoms afforded to British citizens. Against a backdrop of war and escalating authoritarianism, its plans suggest a country withdrawing from international obligations and democratic oversight both at home and abroad.

It is not just the likes of Poland and Hungary which cynically remain in treaties such as the European Human Rights Convention whilst corroding them from within. Our government seeks to comply with the convention yet mandates our judges to disregard some of its basic principles and protections.

This will see more cases going to Strasbourg and expand the powers of the executive, which will be freer still to rule by regulation and to restrict the interpretative power of the courts.

At a time when Europe and the world are crying out for international leadership and solidarity, our government runs in the other direction.

So, what do we do about it and where does Labour stand? Does it simply defend the present Human Rights Act or offer an alternative, a radical new Bill of Rights? Should we say little and support of the status quo or fundamentally rethink our approach to questions of freedom and justice?

In this pamphlet Liam Byrne elegantly makes the case for the latter. He excavates history to reclaim for today's left a new public philosophy, one based around freedom. This is a big deal when people ask what Labour stands for.

The Civil War years of 1641-9 established universal values – the supremacy of parliament alongside the independence of the judiciary, the abolition of executive orders and comparative freedom of speech and religious worship. Yet this has been written out of history – including the history of the left.

Specifically, in autumn 1647 a written constitution drafted by the Levellers – the Agreement of the People – was debated next to the Thames, in St Mary's Church on the southern approach

to Putney Bridge, in meetings chaired by Oliver Cromwell. Our basic right to live in a functioning democracy can be traced back to the actions of these pioneer Leveller soldiers and tradesmen. Fundamental democratic principles established in these Putney Debates subsequently reappeared in historic texts such as the American Constitution and the UN Declaration of Human Rights.

So it is that next year, on the 75th anniversary of the Universal Declaration – a text partly crafted by British lawyers – the British government intends to axe the Human Rights Act, the direct descendant of the Convention that sought to unite countries following fascism, authoritarianism and genocide. Winston Churchill will be turning in his grave.

In his opening speech to the Congress of Europe in May 1948, he said the new Europe "must be a positive force, deriving its strength from our sense of common spiritual values. It is a dynamic expression of democratic faith based upon moral conceptions and inspired by a sense of mission. In the centre of our movement stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law".

Three quarters of a century later this statement has a contemporary feel as fascism and authoritarianism march again, threatening the foundations of liberal democracy. We are duty bound to respond.

The government's attempt to deny rights to the British people offers an opening to build an alternative. Have we the political will and resources to grasp the moment and craft a radical new Bill of Rights; one that builds on the Human Right Act rather than dismantles it?

This pamphlet offers just us such a blueprint; one that echoes themes from Franklin Delano Roosevelt's 1944 vision of a second Bill of Rights which helped shape the post-war Universal Declaration.

Our alternative today might include the right to work, to free education and access to public health, to housing and security for all and freedom from fear.

It could shape how Labour rethinks its approach to modern citizenship and a could provide a radical approach to levelling up, anchored around new fundamental economic and social rights for all; part of a new democratic and economic covenant between the state and its citizens. One aligned with what administrations in Scotland and Wales are seeking to build; one not only honouring the Good Friday Agreement's commitment to the Human Rights Convention but in keeping with the long-term quest for a Bill of Rights for Northern Ireland.

Tory reform of the Human Rights Act must to be challenged given its potential to isolate us, diminish our international standing, consolidate long-term economic weaknesses and enduring patterns of inequality, and hand over even greater powers to the executive.

The next election cannot simply be a referendum on the government but a choice between alternative conceptions of justice which thereby establishes a mandate for enduring change.

Liam Byrne's intervention offers just such a compelling agenda. Challenging, innovative and iconoclastic, it demands to be widely read and debated, just like the best Leveller pamphlets of the 17th century.

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INTRODUCTION

Freedom is under fire. As we mark the 75th anniversary of the United Nation's Magna Carta – the Universal Declaration on Human Rights – next year, Russian missiles may still be raining down on Ukraine. It is a salutary reminder that progress is never permanent. It must be defended and rolled forward by every generation.

So it seems an appropriate moment for Labour to renew the traditions of freedom and liberty from which we were born with a new story about the *freedoms* we seek for all in the 21st century.

As Tony Blair understood, politics is always a battle of ideas. And few ideas are as important as 'freedom'. Yet since the 1970s, the left has spent most of its time debating other ideas like justice, equality and fairness. These are important. But so is freedom. And there is a battle here to win with the right.

For more than 40 years, the right's story of liberty has been the animating force for election victory after election victory. It has proved the keystone in their bridge to power. It is time we took it away, not least because the Tories' account of freedom is so flimsy that it is little more than a fiction.

Almost a century ago, Richard Tawney declared that a guarantee of freedom "must not be merely formal, like the right of all who can afford it to dine at the Ritz."[1] Today, we might say the Tories' notion of liberty is the freedom to wear, like Rishi Sunak, £490 Prada shoes to a building site. It is a nice idea – especially for the country's richest-ever prime minister – but meaningless for most of us. The Tories' prescriptions, renewed in their November budget, are the same old snake oil: defund public services, kick away the ladder, weaken social insurance and cancel basic protections. This is not a recipe for liberty; it is a lottery where only the wealthiest will win the prize.

What we need now is a vision for how to build a democracy of the freedoms that are possible in this century but which are denied to the silent millions who are today prisoners of their fears, their anxieties, and the realities of life in Tory Britain. The people, like my

constituents, who lie awake at night with worry, wake up cold, work hard all day and by tea time still cannot understand how there is not enough money to feed their family.

If we are to ensure everyday freedoms are stout, strong and sturdy, we need the *collective* force of society to deliver both security to all and power to each. When cooperation is enlarged wisely, so freedom is multiplied greatly. That cooperative ethos of society, our common will, our collective consent, is called government. And the way government delivers both security to all and power to each is through a framework of rights.

Some rights are eternal. But, if we want each of us to share in society's progress, some rights must evolve. The Magna Carta says a lot about the whys and wherefores of policing fish weirs but very little about digital literacy. Right now, too many of our citizens are ensnared in the insecurities of today *and* at risk of losing the possibilities of tomorrow, possibilities which are multiplying every day thanks to the 9 million scientists now at work – a community vastly bigger than the teams that gave us the Manhattan Project or the Apollo space programme – and backed by $1.7 trillion in global science spending. Over the years to come, we *could all* have freedoms, autonomy, options, choices and control that we can only dream of today. But only if we fairly share the future. That is why it makes sense to spell out today the freedoms and liberties, obligations and duties necessary for us to live life to the full in the 21st century. For the simple reason that the possibilities of life are about to be transformed, a rebirth of freedom is required.

The Labour party should enshrine a modern set of rights – or powers – into law, alongside a set of duties which we owe to each other and our planet. As the government merely tinkers with its Bill of Rights Bill, Labour should argue for a far more imaginative Bill of Powers and Duties for the 21st century. By doing so, it can take the fight to the Conservatives and, in government, fulfil its original mission, to secure and advance the freedom of all to live a good life.

Only a national conversation can pin down the contents of such a Bill, and now Gordon Brown's brilliant proposals on constitutional reform have been published, this is a conversation that I hope to advance with this pamphlet. This debate is how we translate Keir Starmer's mantra of 'security, prosperity and respect' into an iron framework to help the next Labour government govern. Such a Bill would secure freedoms for the future, should there be a change of government. It would provide the public with a clear sense of our purpose. And we set out for our own movement, with precision, a statement of the *equalities* we are in business to deliver.

Second, we should code these ambitions in our own clause IV which sets out the political aims and values of our party. It is ridiculous that the Labour party does not mention the word 'equality' in our statement of aims and values. It is high time we rewrote clause IV to spell out precisely the equality of powers and duties that we want for every single one of us.

A 21st century bill of powers and duties

Article 1
Everyone has the right to liberty, security of person, to live free from fear of crime and to access justice.

Article 2
Everyone has the right to work, to gain a sufficient living by work, freely chosen or accepted, to just and favourable conditions of work, equal pay for equal work and to protection against unemployment with the right to form and join trade unions.

Article 3
Everyone has the right to an adequate standard of living, including adequate food, clothing and an adequate home of their own.

Article 4
Everyone has the right to a clean, healthy and sustainable environment.

Article 5
Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

Article 6
Everyone has a right to education, directed towards their full development including access to technical and vocational guidance and training programmes.

Article 7
Everyone has the right to respect in their personal, public professional and digital lives and for their private and supportive family life.

Article 8
Everyone has the right to be part of a strong, active community and to freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 9
Everyone has the right be able to move around and access different places easily, enabled by a universal basic mobility.

Article 10
Everyone has the right to aspire to and to enjoy a continuous improvement of living conditions as material conditions allow.

Third, the next Labour government must activate the full measures enshrined in the Equality Act (2010), which the Tories failed to do and thereby require all public authorities subject to the duty to 'have due regard' to equality considerations when exercising public functions.[2] That must include activating section one of the Act which places a duty on public authorities to have regard for socio-economic inequalities in their decisions.

It was Clement Attlee who announced that: "We, in the Labour Party declare that we are in line with those who fought for Magna Carta, habeas corpus, with the Pilgrim Fathers and with the signatories of the Declaration of Independence." Our unique insight has always been that it is through cooperation that we enlarge the freedom of each of us; as Neil Kinnock once said: "The collective contribution of the community is used to advance individual freedom."

We know that in the real world, the quality of our independence rests on the quality of our interdependence. The challenge now falls to our generation: to propose a bill of rights, powers and duties that sets out the freedoms we want for all amidst the spectacular enlargement of possibilities that will unfold in the 21st century: what you might call the 'freedom to be you'. And that is what this pamphlet seeks to do.

CHAPTER 1

WHY FREEDOM?

Freedom was the left's first cause. From the beginning of popular politics, it was the left, not the right, that made the argument for freedom. From the Levellers to the Chartists, from the Glorious Revolution to the American Revolution, and from Franklin Delano Roosevelt to Clement Attlee, the cry for freedom brought down old tyrannies, established democracies and delivered the rights we cherish today.

But, in the 1970s, in the midst of the post-war consensus, something went wrong. The left no longer made the case for freedom. It made equality and social justice its watchwords instead. These are noble and worthy causes. But by talking just of equality, we surrendered the ground on which the right went on to build victory after victory.

Margaret Thatcher and Ronald Reagan both contrasted freedom against the advances made by the left. For Reagan, freedom meant 'the freedom of the frontier': a land of self-reliance. For Thatcher, freedom meant individualism and Victorian values. Together, they routed the left and dominated politics in the 1980s.

Their legacy, however, is a state where our citizens are now trapped between a rock and hard place. They have lost their 'freedom from fear' to the new insecurities of today and are now in peril of losing their 'freedom to rise' and enjoy the new possibilities of tomorrow. It now takes *five* generations for the heirs of someone born poor to rise up and earn even average wages.[3]

The left needs to wave the flag for freedom again. We need to reclaim freedom as our own. This means taking the fight to the right on what it think is its home ground. This is the purpose of this pamphlet. This year, the Tories began a muddled meddling with the Human Rights Act[4] and 2023 marks the 75th anniversary of the Universal Declaration of Human Rights. So this is a moment to seize, to reconnect the Labour party with its ideological roots and help it build a modern framework for governing.

Without doubt, under Keir Starmer's leadership, the Labour party is making enormous progress. But today's poll lead needs firmer foundations than unity, competence and compassion, as vital as these qualities are to victory.

As the election gets closer, demands will sharpen for both clarity on policy, and as Harold Wilson understood, clarity of purpose.[5]

Labour Together recently made a vital contribution to explaining just what the purpose of the next Labour government could be. Its paper, Labour's Covenant: A Plan for National Construction, provides a bold sense of direction with ambitions for national reconstruction of the national economy, the everyday economy, our democracy and sense of belonging, our land and nature and the UK's role in the world.[6]

But governing is hard. I know: I've been there. Without strong, well-laid rails, governments quickly veer off course. Priorities must be set, budgets agreed, hard trade-offs made. Strong frameworks are essential to translate ambitions into action.

The work of the philosopher and economist Amartya Sen, together with the legacy of Franklin Roosevelt, shows us how our ambitions can be rendered into philosophy, goals and a sharper argument with the Tories.

Sen, and his intellectual partner Martha Nussbaum, both understood what Roosevelt saw clearly: tyranny is not just life under oppressive rulers – but under oppressive conditions like poverty.

Roosevelt explained clearly that "that true individual freedom cannot exist without economic security". But Sen and Nussbaum went further to argue that each of us needs not only the 'counter-vailing power'[7] to stand up to the high and mighty who might exploit us, but 'capabilities' or 'powers' to pursue our dreams.

For Sen, like generations of progressives before him, there is no freedom without power. To free people from the prison of insecurity, of fear, of poverty, we need not only collective guarantees of security but collective guarantees of the power we supply to each and every one of us: the power to go as far in life as your dreams and talent take you; the power to earn a good life for yourself and family; the power to wander where you choose, when you choose; the power to live to the limits of our biological possibilities; the power to help shape the direction of our community and country; the power to participate in a digital society and economy; the power to lead the life you choose, so long as you do not harm others.

Both Roosevelt and Sen helped us see that the Tories' theory of freedom is so flimsy that it is fictional. How can there be freedom from fear when the police solve the lowest proportion of crimes ever? Just six per cent of all crimes last year resulted in a charge. What freedom is there for those victims?

What liberty is there for those who fall prey to those *taking liberties* by exploiting others? Nearly half a million workers do not earn the national minimum wage, 2 million workers do not get holiday pay, and 3.7 million people are trapped in insecure work. Huge numbers of workers do not know when their next shift will be or whether they will be able to pay their bills. An incredible one in eight workers no longer earn enough with the sweat of their brow to lift their families out of poverty. What does freedom mean for them?

It was an old Liberal Lord Chancellor, Robert Henley who once said: "Necessitous men are not free men." Well, on that logic, more than one in five of our fellow citizens are not free; 14.5 million people are now trapped in the tyranny of poverty. What meaningful freedom can there be for the quarter of a million free-born citizens who are homeless? Or for those with stomachs knotted with hunger? Some 700,000 of our neighbours are forced to use a food bank to feed themselves.

What freedom is there for those who are prisoners of ill health – ill health that means the poorest do not live as long as the richest? How can it be right that my constituents enjoy eight years fewer on this earth than those who live in Sutton Coldfield? How can it be possible that life expectancy is now *falling* for the poorest people? The freedom to live is shrinking for those born poor, while hundreds of thousands who live in the most deprived neighbourhoods still do not enjoy the liberty of a clean environment or clean air.

What freedom can there be for those trapped in the prison of darkness and ignorance? Or for those – almost one in five of our neighbours – who are trapped in the prison of loneliness, without access to a universal basic mobility? What meaningful freedom can there be for those who have the same right as me, to shape the future of my community, but who are shut out by prejudice, or hate, or disrespect or even a digital illiteracy, without access to our shared cultural life?

Sen, himself, did not quite argue for equality. But we should go further. A statement of the powers, rights and duties that we want for each of us goes beyond even the old modernisers debates about 'equality of opportunity'.[8]

'Equality of opportunity' has been the north star for progressives since Anthony Crosland put it there in the Future of Socialism. But 18 years serving Britain's most deprived constituency has taught me that it is simply not enough. What I have learned is the truth of Lyndon Johnson's insight that, "[I]t is not enough just to open the gates of opportunity. All our citizens must have *the ability* to walk through those gates."[9] Or as Amartya Sen once explained to me: "If many things are open to me, I have opportunity to do them *if only I could*."[10]

To have true freedom, equality of opportunity is not enough. But equality of security and power – the power to make real choices over the course of one's own life – now that would be transformational.

CHAPTER 2

THE LONG MARCH OF FREEDOM

Over the centuries after the English Civil War, it was the left, not the right, that made the case for freedom. Freedom was the fountainhead of the British radical tradition which unfolded in four glorious acts. It was opened with a bang by John Lilburne, who helped set the stage for those that followed.

Born "[t]he second son of a Gentleman in the north parts of England", Lilburne grew up in the North East and moved to London aged 14 as an apprentice cloth merchant. There he absorbed the radical message of Puritanism, a reformist religious movement that swept England after the Protestant Reformation with profound political impact.

As one of the Reformation's founding fathers, John Calvin, declared, politics was required to serve a moral purpose.[11] On earth, man had a responsibility to stand up to tyrants, who "fraudulently betray the liberty of the people."[12]

The scale of the Puritan ambition was breathtaking. "They were committed… to the literal reforming of human society, the creation of a holy Commonwealth" wrote historian Michael Walzer and crucially, they were the first to "switch the emphasis of political thought from the Prince to the Saint", and "[w]hat Calvinists said of the Saint, other men would later say of the citizen."[13]

Lilburne was one of the most argumentative men in England. "If the World was emptied of all but John Lilburne," said one contemporary, "Lilburne would quarrel with John, and John with Lilburne." His speeches often landed him in jail. But they made him a cause célèbre. Such was his influence that Oliver Cromwell's first speech in Parliament was made in defence of John Lilburne.

Lilburne's appeal was his mastery of an argument for liberty steeped in a poetry of patriotism mined from the rich earth of the nation's history and the common law.[14] These laws, said Lilburne, to which everyone was subject, were a continuity of an ancient constitution. Lilburne's mission, therefore, was not to "to tear up these foundations… or introduce any new Constitution… but to maintain, defend and preserve the old Freedom from the encroachments and usurpations of Kings, Lords and Priests"[15] who traduced

the constitution when they seized power in the Norman Conquest rather than earning their power from 'the voluntary trust of the people'. After all, Magna Carta, imposed by the Barons of England and signed by King John in 1215, issued privileges which Lilburne argued were a natural right for all: "the birth-right and inheritance of the People of England" and the safeguard of "life, liberty and property."[16]

The 'Free-born Englishman' – a phrase not common before Lilburne[17] and subtly, importantly different to the usual 'free-born subject' – had the same political status as anyone else, with equality of "rights, liberties, freedoms, free customs, privileges, property, safety, laws, immunities."[18] During the English Civil War it became a critical line of argument.

The war which broke out in 1642, between the Cavaliers, who supported the supremacy of the monarchy, and Roundheads, who supported the supremacy of parliament, pitted town and village against each other, neighbour against neighbour, father against son. But the Roundheads were divided between radicals and conservatives, utopians and pragmatists. In the Putney debates of 1647, during a pause in the fighting, the different sides met to resolve their differences.

The Levellers made the case for what was arguably the first modern constitution. Soon their core text, The Agreement of the People, was in circulation.[19] And before long it was pinned on soldiers' hats as an emblem. A short, but brilliant paper, it made five proposals to advance their account of freedom: more equal electoral constituencies, the dissolution of the current parliament, annual parliaments, the sovereignty of parliament, and the supremacy of the people.

Lilburne died in 1667. Yet just 50 years later a new generation of radicals were plotting to turn many of his radical ideas into the law of the land. Only these were not angry apprentices. The 'Immortal Seven' were among the aristocratic leaders of England and as the autumn of 1688 turned to winter, they invited the last successful invasion of England.

After the restoration of the monarchy, opposition to James II's policy of Catholic toleration had been growing for months. When his son, James Stuart was born in June of that year, the nation's Protestant leaders confronted the prospect of a Catholic heir to the throne. They plotted to invite James' nephew and son-in-law, William of Orange to 'intervene' and restore England's 'ancient laws and liberties'.

William set sail on 26 October with a fleet four times the size of the Spanish Armada, with the motto "for liberty and a free parliament" emblazoned on his sails. Greeted by cheering crowds, he was in London within a month. In February 1689, the Convention Parliament deemed James II to have abdicated and crowned William of Orange, William II, in his place. Rather than take the traditional oath to uphold "the laws and customs… granted by the Kings of England", he instead swore to govern according to "the statutes in Parliament agreed on" and enshrined England's Bill of Rights. It limited royal power

and established the supremacy of parliament along with many of the reforms fought for by the Levellers some five decades earlier. It was, as historian Steve Pincus observed, the creation of "a new kind of modern state…that has proved so influential in the shaping of the modern world".[20]

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In their argument for rights, as a way of ensuring the freedoms they sought, Lilburne and the Levellers appealed to the 'ancient constitution'. But in the second act of the radical tradition, on which the curtain lifted a century later, the political theorist Thomas Paine advanced the drama with an argument based on natural law.

Born in England in 1737, Paine bounced between jobs as a privateer, a teacher and a tax-collector, from which he was sacked. He was, according to one historian, "incredibly vain, monstrously egotistical and utterly convinced that he had perceived the truth better than anyone else".[21] He had lost one wife and child in childbirth. Hard-drinking, irritable, possibly bipolar, his childless second marriage failed, and by the age of 37, he was not only a sick man – he was a busted flush. So, after meeting an American polymath named Benjamin Franklin, he sold everything he owned at auction to pay his debts and set sail for a new life in the New World.

He almost didn't make it. Paine endured a horrendous nine-week voyage across the Atlantic: an outbreak of typhus killed five of the ship's hands and waylaid almost all its passengers.[22] Feverous and covered in rashes, he was rescued by Franklin's physician. But Paine was given room and board and time to recover, and before long, he was thriving among Philadelphia's Quaker community in a prosperous city on the brink of a break with England. It was a cause to which he gave the full force of his talents.

In 1776, his pamphlet, Common Sense, helped provide the intellectual foundation for the American Revolution. When war broke out, Paine could be found drafting in the glow of George Washington's campfires. As Washington readied his army to cross the frozen Delaware River, it was Paine's words that were read to the frostbitten troops. "I know not whether any man in the world has had more influence on its inhabitants or affairs for the last 30 years than Tom Paine," said John Adams, the United States' second president.

After the war, Paine developed his case with an arguably more important book, Rights of Man, in which his line of argument was different to the Levellers. Paine's case for freedom did not make a case from constitutional history. It argued instead for 'natural rights' derived not from history but from reason. As a Quaker, Paine believed that every human being draws existence directly and deeply from God. His logic was that man would never have surrendered the freedom of life in the wilderness to live in organised society if that step was a step backwards. In a state of nature, argued Paine, every person is 'a sovereign, in his own natural right' and thus his own lawgiver.

The lamentable state of the world Paine looked upon where the lucky few

had dispossessed the freedom of the many was proof something had gone wrong. The fault, said Paine, lay with the aristocracy and the remedy Paine proposed was democracy: a freedom for people to change laws that determined how they lived.

The Rights of Man sold 50,000 copies in just three months. The second part was outsold only by the Bible. It terrified Britain's leaders, who suppressed not only the book but prosecuted the leaders of working-class political societies that sprung up to debate it. Paine died in 1809. But his argument lived on. Just like the Levellers, he would prove vital in the development of the progressive case for freedom. His contribution was simple: freedom, without political and economic rights, is not worth its name.

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After the British victory over Napoleon, the lethal menace of poverty to popular freedom inspired activists like Major John Cartwright to begin documenting 'the condition of England' and petitioning Parliament for change. But at the centre of our third act was a leader who, like Lilburne and Paine, was someone born to argue.

Fergus O'Connor lived his early life on his family's Irish estates, before becoming a lawyer, a member of parliament and a fierce advocate for democratic reform. But after losing his seat at the age of 39, he set out on a new career as a radical political leader, touring the country to make the case for ideas that both the Levellers and Paine had championed, like universal male suffrage and annual parliaments. Six key demands became the core text of the Chartist movement that mobilised millions of working people in the years after Waterloo.

The People's Charter was an echo of the Levellers' claims to the lost rights of free-born Englishmen[23] and made clear, like the Levellers' Agreement of the People, that the way to entrench freedom for the many and guard against the exploitation of the weak by the strong, was through a framework of rights. Indeed, Leveller arguments were alive and well amidst 19th century protest. "Original Leveller pamphlets survived for a long time," says the historian FK Donnelly, including old copies of the Agreement of the People, reprints of the trials of Lilburne and plenty of 19th century histories of these earlier events.

But the entrenched powers which dominated the House of Commons set a different course, dismantling the old sinews of freedom and the traditions of just wage, just price and justice in bargaining that characterised old England's 'moral economy'. Minimum wage laws were rescinded; the protections for workers in the woollen trade went in 1809, followed by the Elizabethan Statute of Artificers in 1813, and magistrates' powers to enforce minimum wages a year later. Agriculture workers were dispossessed of some 30 per cent of England's farmland with enclosure of common land[24] through some 4,000 Acts of Parliament, while the 'right to live' was destroyed by the abolition of the 'Speenhamland system' which subsidised low wages.

It was finally cancelled by the Poor Law Act of 1834; [n]ever perhaps in all modern history" wrote Karl Polanyi, "has a more ruthless act of social reform been perpetrated."[25] Meanwhile, the old norms of 'just price' were wiped out by the Corn Laws of 1815, which ended fair bargaining for bread and fixed the price of corn to profit landowners, while the Combination Acts (1799–1800) prohibited workers from combining to protest.

The freedom to live a good life was under systematic attack. Hence the cries of workers on farms and in cities who called out for the "restoration of old English times, old English fare, old English holidays, and old English justice, and every man live by the sweat of his brow".[26] And hence the struggle for the political power to safeguard the economic freedom to live.

Radical pamphlets of the period emphasised that true "freedom consists in having an actual share in the apportioning of those who frame laws". Without political power, the freedom to live – as opposed to starve – could not be defended. There were strikes, mass rallies and marches. During the social unrest of 1832's Days of May, many believed the country was close to revolution. Fear focused minds. The King flooded parliament with pliant peers and on 7 June 1832 the Great Reform Act secured Royal Assent. Britain took a first step towards mass democracy and the changes sought by John Lilburne and the Levellers two centuries previous.

But throughout the years that followed, the new industrial market economy destroyed the old moral economy of Tudor England. Critics like George Bernard Shaw railed against the new order where "devil-take-the-hindmost became the accepted social creed of what was still perceived to be a Christian nation"[27] while John Ruskin dismissed as nonsense the utilitarian's notion of 'homo economicus', an organism constantly hunting the way to maximise its own benefit.[28] From the long conflict and struggle emerged the Christian reformers, the co-operators, the trade unionists, the socialist societies and in time, the modern Labour party.

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This long arc of politics and protest for freedom had a profound influence on the early Labour party and the leaders of Labour's 1945 New Jerusalem. In contrast to the ideological rigidity of Marxism, freedom was important to the Labour tradition, which insisted on both freedom to own property and the freedom to vote – but took aim at the licence and exploitation that tyrannised working people.

Early revisionists like Eduard Bernstein (who worked with Engels in his younger days), counselled against a Marxist 'dictatorship of the proletariat'; freedom to vote, argued Bernstein, was a vital influence on a state with the power to mend not end the market. Bernstein was wary of dictatorships of any stripes, and believed that socialists should instead create a "society of universal citizenship"[29] that guaranteed "an equality of rights for all members of the community." Other revisionists agreed. Evan Durbin,

for instance, attacked the 'authoritarian architects of Utopia'. Security and happiness, Durbin wrote, could only be "founded on common consent… justice can only spring from liberty."[30]

The early revisionists also defended the freedom to own property. Bernstein warned that "completely collectivised economy" could become "a tremendous engine of oppression and tyranny" and argued that "rights of property…must be inviolable in every community". Likewise, the Labour thinker and politician Douglas Jay insisted the faults of laissez-faire did not warrant a 'run to the opposite extreme'.

As such, Labour's leaders were perfectly comfortable as players in a 'freedom-loving movement' that sat easily within a long Anglo-American tradition. Speaking to an American audience after the second world war, Clement Attlee himself was clear: "We, in the Labour party, declare that we are in line with those who fought for Magna Carta, habeas corpus, with the Pilgrim Fathers and with the signatories of the Declaration of Independence".

But like John Lilburne, Tom Paine, and Fergus O'Conner, Labour's founding figures knew that freedom for the many required the collective guarantee of security; to defend the many against exploitation, against poverty, against life's rolling waves of chance. *Liberty for some could not mean licence to crush the liberty of others.* So just as the old Leveller Richard Rumbold declared on the gallows that "none comes into the world with a saddle upon his back, neither any booted and spurred to ride him", so, centuries later, Clement Attlee declared in his first election address of 1920 his opposition to "the exploitation of the mass of the people in the interests of a small rich class."[31] And by the 1930s, this was a trans-Atlantic progressive agenda.

Franklin Roosevelt shared with Attlee an ambition to protect the freedom of the weak; "The Roosevelt Dispensation," wrote the American academic Mark Lilla, "pictured an America where citizens were involved in a collective enterprise to guard one another against risk, hardship, and the denial of fundamental rights."[32] Roosevelt relentlessly took aim at "the old enemies of peace—business and financial monopoly, speculation, reckless banking, class antagonism, sectionalism, war profiteering"[33] which he saw as threats to the liberty of ordinary people. And so in the Atlantic Charter, crafted by Roosevelt, Churchill and Attlee and issued on 14 August 1941, these ideals were enshrined into a statement of Allied war aims.

Roosevelt was determined to consecrate two decades of New Deal thought and practice into a blueprint for the post-war world – and so was Clement Attlee. Roosevelt drafted into the Atlantic Charter his ambitions for a world where all might live in 'freedom from fear and want'. And after convening the Cabinet at 2am in London to review the draft, Clement Attlee replied adding the Fifth Principle, that the Charter should seek the "fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security".

Within four years, this determination to build systems of social security to enlarge the freedom of working people in free nations, which would guard all against the menace of exploitation, was set out in canons that still inspire today.

From a snow-bound White House at 8.45pm on the 11 January 1944, Franklin Roosevelt delivered in his State of the Union the zenith of decades-worth of thinking, campaigning and, often experimentally, governing.

Roosevelt had first proposed an economic declaration of rights in 1932; the right to work emerged in 1936; freedom from want was proposed in 1941. As the tide of war was turning, now was the time, insisted Roosevelt, "to begin to lay the plans…for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known". But this lofty goal, he declared, would prove impossible to achieve if "some fraction of our people…is ill-fed, ill-clothed, ill-housed, and insecure". What was required was nothing short of a second Bill of Rights to enshrine the "one supreme objective for the future" captured "in one word: security".

"The Economic Bill of Rights," said Roosevelt, would mean "economic security, social security, moral security." The United States may have grown "under the protection of certain inalienable political rights" but, he added, over time, "we have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence". And so what was now required was a new bill to enshrine the right to a job, to an adequate income, to fair prices for farmers, to fair competition, a decent home, adequate medical care, a pension for the old and an education for the young.

Ten months later in Britain, the Beveridge Report provided a British echo of the theme. Here was a blueprint to provide a post-war nation with freedom from the five giants that threatened post-war reconstruction: want, disease, ignorance, squalor and idleness. Its action plan arrived with Labour's 1945 manifesto. Let Us Face the Future helped power Labour to a landslide victory with the bold declaration: "The Labour Party stands for freedom – for freedom of worship, freedom of speech, freedom of the Press. The Labour Party will see to it that we keep and enlarge these freedoms, and that we enjoy again the personal civil liberties we have, of our own free will, sacrificed to win the war."[34]

From the Levellers, to Thomas Paine, to the Chartists, to the Atlantic Charter, to the Economic Bill of Rights to the 1945 Attlee government, the left has always fought for freedom, the rights to make that freedom real, and to roll back the forces both public and private that threaten to tyrannise, oppress and suppress the freedom of the many.

Have these challenges gone away? Is this struggle over? Of course not. But over the last five decades, we on the left have too often lost our grip on the very ideals which inspired our foundation. Which is why it is time to return to the fight for freedom.

CHAPTER 3

THE FORWARD MARCH OF FREEDOM HALTED

Roosevelt died before his Bill came to pass. His economic Bill of Rights might have died with him, but the progressive case for freedom was enshrined in the burst of post-war charter-making like the Universal Declaration of Human Rights (1948), the European Convention of Human Rights (1953) and the long battle for social and cultural freedoms.

But from the 1980s, a newly resurgent right led the argument for liberty. In fact, 'freedom' has been the scaffolding for centre-right manifestos ever since the United States Senator Barry Goldwater made it the central message of his 1960 polemic The Conscience of a Conservative. Goldwater was an election loser. But the case for freedom would animate the ideologies of both Margaret Thatcher and Ronald Reagan in the 1980s.

Reagan's idea of freedom was captured in his idea of the 'freedom of the frontier'. This idea has animated American culture ever since 1893, when the historian Frederick Turner made westward expansion central to the national story.[35] The 'freedom of the frontier' is the sine qua non of negative liberty: the absence of obstacles, barriers, constraints, or interference from others.

Reagan brought his symphony to its crescendo on a hot Dallas day in August 1984. Accepting the Republican nomination for President, Reagan described the fork in the road at which America had arrived. A choice of two paths lay ahead, he said: one road led to freedom, and the other, somewhat implausibly, to totalitarianism. "For some time now we've all fallen into a pattern of describing our choice as left or right… [But] Isn't our choice really not one of left or right, but of up or down? Down through the welfare state to statism, to more and more government largesse accompanied always by more government authority, less individual liberty and, ultimately, totalitarianism, always advanced as for our own good."

"The alternative," he went on, "is the dream conceived by our Founding Fathers, up to the ultimate in individual freedom consistent with an orderly society. We don't celebrate Dependence Day on the Fourth of July. We celebrate Independence Day."

This definition of freedom has a long lineage. It dates back to the time of Thomas Hobbes, a contemporary of John Lilburne, who defined freedom in Leviathan as the 'absence of opposition'.[36] It was christened by Isaiah Berlin as the 'negative concept of liberty':[37] the absence of obstacles, barriers, constraints or interference from others. Its modern renaissance dates back to an American journalist, Walter Lippman, who drew strength and inspiration from a generation of anti-New Deal academics like Henry Simon but found a language and line of argument that was far more potent.

Some of Lippman's language was ludicrous; "We belong to a generation," he wrote, "that has lost its way…[and] returned to the heresies of absolutism, authority, and the domination of men by men." But the nub of Lippman's argument became a cornerstone of the neo-liberal case: that the practice of central planning, which damaged economic freedom, soon undermined political freedom. Hence, political freedom required economic freedom too. "No human mind has ever understood the whole scheme of a society,"[38] Lippman wrote. This was the doctrine developed by three Austrians, Karl Popper, Friedrich Hayek and Ludwig van Mises, who decried 'central planning' and 'government'.

Karl Popper argued that designing collectivist societies was a fool's errand because of the first, fundamental challenge of getting the blueprint right. "Utopian engineering", wrote Popper, "claims to plan rationally for the whole of society, [but] we do not possess anything like the factual knowledge to make good such an ambitious claim".[39] Friedrich Hayek agreed. In his surprise bestseller, The Road to Serfdom, Hayek argued the myriad intricacies of decisions required in any centrally planned society[40] would soon entail outsourcing decisions to unaccountable experts, risking an inexorable slide to dictatorship as simply the most efficient way of implementing the plans in question. Van Mises concurred. The complexity of decisions taken by a central planner, he wrote, were impossible to reconcile with effective democratic oversight and nor could he see how, absent the profit motive, bureaucracies could innovate; after all, he noted: "In public administration there is no market price for achievements."

No-one could accuse the Austrians of underselling the risks they foresaw for either society or the soul. The 'drift towards collectivism' in the West, a trend they dated to a turn of opinion away from individualism and towards collectivism in the 1870s, was a step towards the totalitarianism of National Socialism and Soviet Russia.[41] "Mankind is manifestly moving toward totalitarianism," lamented Mises in 1944, "and the rising generation yearns for full government control of every sphere of life."[42]

These were the foundations on which Senator Barry Goldwater built. Here for the first time in a long time was a Republican who set himself against his party's establishment as a defender of the Constitution, champion of the people and fighter for the free.

"For the American Conservative," he wrote, "there is no difficulty in identifying the day's overriding political challenge: it is to preserve and extend freedom." And the chief enemy, said Goldwater, was the state: "Throughout history, government has proved to be the chief instrument for thwarting man's liberty. Government represents power in the hands of some men to control and regulate the lives of other men. And power, as Lord Acton said, corrupts men."

"Absolute power," he added, "corrupts absolutely." The hour, said Goldwater, was growing dark: "Our defences against the accumulation of unlimited power in Washington are in poorer shape, I fear, than our defences against the aggressive designs of Moscow."

Goldwater's politics found its theorist in Milton Friedman, who subscribed to much of the same thinking, especially the interdependence of economic and political freedom: "economic freedom" wrote Friedman, "is…[a]n indispensable means towards the achievement of political freedom".[43] He criticised at length the limits placed on economic freedom by the modern state, like exchange controls, compulsory old age insurance, licences and fair trade laws, and was to prove profoundly influential on both Margaret Thatcher and Ronald Reagan.

Thatcher and Reagan liked the argument that the state was the principal threat to freedom and the notion that political freedom required economic freedom. Together they popularised Friedman's economic views that excessive government interference was to blame for economic problems such as high inflation and sluggish economic growth. The solution was to remove constraints on individuals and the market, to "roll back the frontiers of the state" and free the individual and the market from its shackles. This is the essence of 'negative liberty': freedom from constraint.

This basic narrative steered Ronald Reagan and Margaret Thatcher to election victories in 1980 and 1979 respectively. The right would hold the White House for 23 of the following 40 years, and Downing Street for an extraordinary 29 years since 1980. The left was routed. Many of the advances it had made over the centuries were rolled back. And yet the progress in living standards rarely matched the pace achieved during the post-war consensus.

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It is odd given our history as fighters for autonomy and freedom from the yokes of repression, our long fight for freedom from exploitation, and our defence of social and cultural freedoms that we progressives have lost our grip on the big picture case for freedom. Now, too often, we find ourselves in muddled arguments about the virtues of justice and equality which are important, and potent for the angry, but all too often impotent with the apathetic. There have been exceptions; in the 1980s, Labour's deputy leader Roy Hattersley wrote an entire book called Choose Freedom,[44] but such tracts are far and few between and were never developed into an actual framework for governing.

In truth, since John Rawls' seminal work on justice,[45] we seem to have progressively lost our ability to explain how we, too, believe in Freedom with a capital 'F'. In the New Labour years, we talked about opportunity, which I suppose could be seen as a proxy; but we never really grasped 'freedom' by the horns.

"For American liberals since the 1960s" writes Jonathan Haidt, "the most sacred value is caring for victims of oppression." Mobilised by the 'movement politics' of the 1970s and 1980s, activists came to resemble what Mark Lilla christened "the social justice warrior…a social type with quixotic features whose self-image depends on being on standby, [against] compromise and above all trafficking in the mere interests". It is the heroism of Tom Joad in The Grapes of Wrath who declares: "Wherever they's a fight so hungry people can eat, I'll be there. Wherever they's a cop beatin' up a guy, I'll be there."

Given the spiralling inequalities – and injustices – of the Thatcher-Reagan years, this is understandable. I myself was among those rather derisively labelled 'social justice warriors' radicalised during the 1980s. I have organised plenty of marches and sit-ins in my time. But 18 years in frontline politics in the most income deprived constituency in England has convinced me that when we lead on justice we fail to capitalise on a simple political truth: freedom is popular.

Appeals to individual freedom connect with deep-seated ideals shaped by centuries of Western tradition with their roots in the battles of the Greeks against the Persians and Herodotus' argument for democracy.[46] From Jesus Christ to Immanuel Kant, our religions, renaissance and revolutions all placed the individual at the centre of the world with a special place in culture, belief and institutions. "The individual", wrote the historian of ideas, Larry Siedentop, "became the organising social role in the west."[47] So it should not surprise us that when the Democratic speechwriter James Piltch travelled 9,000 miles round America to canvass the values of thousands of Americans, he discovered that when he asked people about the value that mattered most to their identity as a citizen, more than 60 per cent of them discussed the importance of 'freedom'. Fewer than 5 per cent talked about 'equality'.

In fact, there are *three* problems with the left's negligence of freedom and habit of leading arguments with an appeal to justice. First, our political reach is limited, because not everyone shares our particular account of justice. Second, we fail to expose the shortcomings of the right's account. And third, we lose a grip on our own distinctive insight that the quality of our *independence* will always depend on our *interdependence*.

Let's start with the politics, and the messy business of campaigning for power.

When we lead our pitch with 'fairness' or 'equality', we run slap-bang into the problem that not everyone shares our worldview. "Everyone cares about fairness" writes Jonathan Haidt, "but there are two major kinds. On the

left, fairness often implies equality, but on the right it means proportionality – people should be rewarded in proportion to what they contribute, even if that guarantees unequal outcomes."

These different perspectives are very, very old. On the left, we think about justice not simply as 'due process'. Our particular ethics require us to look at the justice of the outcome. After all, as the former chief rabbi Jonathan Sacks reminded us, the Bible insists a free society is built not just on rule of law but on just distribution of resources; what is *right* as well as what is *just*, as the Book of Genesis puts it. As Amartya Sen explains, this tradition boasts an illustrious bench of thinkers; "The approach of comparative realisations… [was] pursued, in different ways, not only by [Adam] Smith… But also by the Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx and John Stuart Mill."[48]

But this view is not universally shared and never has been. Thomas Hobbes, Jean-Jacques Rousseau, and Immanuel Kant all proposed in their different ways conceptions of justice that focused on 'due process' rather than the nature of the societies that ultimately emerge. More recently, both Hayek and the American philosopher Robert Nozick argued that justice was ultimately a compliance with the 'rules of just conduct'. Hayek argued social justice "does not belong to the category of error but to that of nonsense, like the term 'a moral stone'."[49] while for Nozick, justice is entirely a matter of the sequence of prior events that created it. My point is merely this: it is harder to win an argument with an opening gambit that so divides rather than unites.

Second, we would take apart the right faster by taking apart their view of freedom for what it is: wrong for the simple reason that we cannot logically pose 'negative' and 'positive' liberty as mutually exclusive opposites. Elizabeth Anderson[50] recently provided a neat summary of the nuance. "If you have negative freedom" she writes, "no one is interfering with your actions. If you have positive freedom, you have a rich menu of options effectively accessible to you, given your resources." But the right only really talks about a single dimension; 'negative freedom' and the need for government to get out of the way, honour private property rights and cut taxes.

In so doing, they get confused. Because no-one can actually honour the property rights of the individual without denying the freedom of everyone else to that same property. As Anderson explains: "Every establishment of a private property right entails a correlative duty…that others refrain from meddling with another's property without the owner's permission." As such, "private property rights thus entail massive net losses in negative liberty, relative to the state of maximum negative liberty".

In a world free from the constraints of the state, few of us would have any freedom at all. In such a world, each of us would be free to "to take, or compete for possession of, every rival good".[51] The result would be a kind of anarchy in which there would be limitless freedom for the few and unlimited tyranny for the many.

It is for this reason that political rights always need the safeguard of economic rights. Without economic rights, societies run the risk of what even neoliberalism's founding fathers recognised as the Paradox of Sovereignty. In his text Social Philosophy, Karl Popper explained that: "Freedom…defeats itself, if it is left unlimited" because when states fail to protect people "from the misuse of economic power…the economically strong is still free to bully one who is economically weak, and to rob him of his freedom."[52] We can see this clearly where bullying employers create regimes that are tantamount to what Anderson calls 'private government' where we sign contracts that allow an employer to regulate "political activities, speech, choice of sexual partner, use of recreational drugs, alcohol, smoking, and exercise".

Today, the modern right argues that there is no political freedom without economic freedom; they are far less ready to accept that political rights are empty without meaningful economic rights. You cannot eat the right to vote. And without the right to vote, many do not get to eat.

Third, when we fail to make the case for freedom, we lose the chance to celebrate our own special insight that is through cooperation that we enlarge the freedom of each of us, "where the collective contribution of the community is used to advance individual freedom", as Neil Kinnock once put it.[53] In the real world, the quality of our independence rests on the quality of our interdependence.

The frontier of Reagan's vision or the 'individualism' of Thatcher's lectures are places and cultures of self-sufficiency. That appeals to some. But self-sufficiency is also servitude to the sweat and slog of doing everything for yourself. It offers us a certain sort of independence, but it condemns us to the tyranny of chores for which we have no aptitude, interest or vocation. The limitations of this have been obvious as far back as Aristotle, who observed in Politics that a person who has no need for society because 'he is sufficient for himself' must be 'either a beast or a god'.[54]

For millennia, the European tradition of freedom was very different from the freedom of the frontier. It was the freedom of the city; a liberty not of merely independence but interdependence; a freedom to specialise where we find a calling and vocation, to pursue one's unique potential and gifts and trade or collectively provide for what one does not personally make, grow or supply. This was the sort of community described two and a half thousand years ago by Xenophon, who wrote that "it is impossible that a single man working at a dozen crafts can do them all well" but in the city where people come together "a single craft will suffice for a means of livelihood" because, as long as there is justice in exchange, we can trade for the things we need but do not produce.[55]

This freedom to enlarge our lives by pursuing what we enjoy most, sharing or trading for what we need, and creating shared services like public goods to provide what few of us could afford alone, is made possible by one single, uniquely human characteristic: our ability to cooperate, the ideal at the heart of progressive politics from the dawn of modern politics.

In the old debate about human nature, there are plenty of cheerleaders for Thomas Hobbes and his proverb, homo homini lupus – "Man is wolf to man." In fact, as naturalist Franz de Waal points out,[56] that is "a questionable statement about our own species based on false assumptions about another species." Membership of society is, for mammals, compulsory; so it is no surprise that "science has confirmed that cooperation is our species's first and foremost inclination."[57] Now of course, these 'pro-social' instincts sits alongside powerful appetites for autonomy, which is why the debate about the 'divided self' has taxed political philosophers since Rousseau and Hobbes.

"Humans do seem to enjoy autonomy and serenity," explains Christopher Boehm. "At the same time, they seem to have a competitive penchant for domination that leads to conflict and creates a need for governance…We are as such a 'Parliament of instincts'."[58]

But it was our instinct to cooperate, and ability to sustain cooperation as our numbers multiplied from 50,000 souls to some 9 billion today, that allowed us to combine forces, control violence, and divide labour.[59] There is no meaningful freedom without cooperation for the simple reason that there is no division of labour unless we share, no security unless we combine forces, no peace unless we cooperate to control violence. But the division of labour, collective security, and suppression of violence all require cooperation which is itself dependent on justice; for while justice is an end in itself, it remains a simple truth that cooperation breaks down when injustice occurs. In part, this helps explain why cooperation in market exchange is never quite sufficient: as Joseph Schumpeter explained, in pure market exchanges, imbalances of power inevitably emerge which in turn destroy equitable and just exchange.[60]

But where cooperation is enlarged, so freedom can be. Cooperation has proved the midwife of freedom for generations of progressives.

This is why the creators of the American republic, enshrined in the Constitution of Pennsylvania – the forerunner of the American Constitution – argued "that government is…instituted for the common benefit, protection and security or the people… and that the community has a…right to reform, alter or abolish government in such a manner as shall be by the community judged most conducive to the public weal."

It is also why Tom Paine proposed in the second part of the Rights of Man the creation of a welfare state, replete with health and old age insurance and financed by a progressive income tax which he calculated with tax tables set out to the last shilling.

And it is why the 1945 Labour government put the creation of social security centre-stage to defeat the famous five giants that Beveridge identified as the ogres that threatened the liberty of us all.

Why on earth should we lose our grip on this incredible history?

CHAPTER 4

A NEW BIRTH OF FREEDOM

The right's view of freedom is wrong. The bitter fruit of their doctrine, ruthlessly prosecuted since 1979, is not some Elysium of liberty but a country where millions of people are prisoners of anxiety, trapped by a tyranny; a tyranny of poverty, fear and insecurity in an economy where the strong can dictate terms to the weak and where the rich buy influence denied to the poor at the ballot box.

In my home city of Birmingham, the lucky residents of the richest wards are free to live eight years longer than the residents of poorer wards, while 40 per cent more young people in the richer neighbouring borough have the freedom to go to university than the young people of my constituency. How can this be right?

On the left, we have always been more demanding of freedom.[61] We agree with Tawney that a guarantee of freedom "must not be merely formal, like the right of all who afford it to dine at the Ritz". We understand that for freedoms to be stout, sturdy and strong boundaries, we need both the security for all and power for each which can only really be supplied by collective action. And just as we need more love than we deserve, to live free most of us need more power than we are bequeathed. Freedom will always be insecure for most of us because the weak will always be vulnerable to the strong. Hence the requirement for security – or what JK Galbraith called 'countervailing power'. As Tawney argued years ago: "The rights which are essential to freedom must be such as to secure the liberties of all, not merely of a minority."[62] But what is more, for most of us 'freedom' will mean merely a nice view of the promised land if we actually lack the power to get there. In the real world, we need *power* to pursue our dreams.

As our history lesson showed, the way the left has pursued these freedoms and sought to make them real is by battling for rights; the entitlements that each of us, equally, might enjoy. Some of these are eternal, like the right to free speech. But to have meaning and relevance, any good statements of rights must define and enshrine what is needed to live a life to the full – not simply in the past, but today and tomorrow.

The Magna Carta has a great deal to say about the whys and wherefores of policing fish weirs but rather less to offer on questions of data privacy.

John F Kennedy understood this well. When he declared the goal of putting a man on the moon, he spelled it out: "We set sail on this new sea because there is new knowledge to be gained, and *new* rights to be won, and they must be won and *used for the progress of all people*." (My italics).

The rights we need in order to thrive in any given society at any given time, have to advance as society progresses. These 'rights' should reflect the powers we need, or as Amartya Sen puts it, the 'capabilities'.

"It's not," says Amartya Sen, "that the capabilities in concept change [but]… 100 years from now, they will talk about many other capabilities… [for] Human life consists of doing certain things… to be able to take part in the life of the community."[63] As times change so we need different rights to evolve to enable our participation. Without digital literacy today for example, it is hard to be a fully-informed citizen able to participate in the full rough and tumble of public life, or as a consumer, a worker, or engaged member of the community.

Today, too many of our citizens are trapped, ensnared in the insecurities of today and at risk of losing the possibilities of tomorrow. After all, this is no longer simply an era of change; it is now a change of era. Over the years to come, we could have freedoms, autonomy, options, choices and control that we can only dream of today. But only if we fairly share the future. That is why it makes sense to spell out today the freedoms and liberties, obligations and duties necessary for us to live together well in the 21st century.

For the simple reason that the possibilities of life are about to be transformed, a rebirth of freedom is required.

There are writers like American economist Robert Gordon who argue that "the process of innovation may be battering its head against the wall of diminishing returns". Maybe. But who would bet against human ingenuity?

Stunning change may lie ahead for the simple reason that we have never invested so much so fast in technological creativity – that mysterious force that historian Joel Mokyr called 'the lever of riches'. Today, the world is busy building the biggest lever in our history. Ninety per cent of all the scientists who have lived are at work today; 9 million thinkers – a community vastly bigger than the teams that gave us the Manhattan Project or the Apollo space programme – backed by $1.7 trillion in annual spending. Indeed, it has created a Covid vaccine in a year. For the baby born today, big changes give us reason to hope that even if this century is not a new age of reason it could be an age where billions are more enlightened than frightened of what tomorrow might bring.

If we organise well, life in this new world could be longer – by up to a decade. A dozen game-changing biotech and pharmaceutical breakthroughs – from genome sequencing to CRISPR technologies, artificial intelligence, quantum computing, and cellular medicine – are likely to transform our ability to create genuinely individualised medicines.

Extraordinary new services and products will be created as the speed of digital change accelerates. Advances in quantum computing, quantum chemistry and AI will help us create, test, make and ship new products faster than ever before. Today, just 50 per cent of the world's population uses the internet. In the next decade, the entire planet might connect as an extra three billion individuals join a planetary cyberspace built from constellations of satellites. Many of these new networks might be 5G, powerful enough to deliver ultra-high resolution 4K video and haptic interfaces that transmit the physical sense of touch, transforming telehealth, telesurgery and emergency A&E services. Within our lifetimes, global gigabit connectivity could connect everyone and everything, everywhere, at ultra-low cost. Education and entertainment will be reinvented with CGI-powered immersive experiences while biochemists will pioneer radically different ways to 'grow' foods like meat.

But there will new threats to freedom too. A huge new economic imbalance will arrive if the top 1 per cent continues to accumulate wealth at the same pace as since the financial crash. On current trends, the top 1 per cent will control two-thirds of wealth by 2030. Gen Z may become the most unequal in history, and huge new inequalities could trigger an explosion of corruption and kleptocracy, concentrating unprecedented power in the hands of a tiny number of people.

Huge new firms, the 'technopolies' of tomorrow, may grow their power to exploit us, drawing on the experience of the surveillance capitalists[64] about which American professor and philosopher Shoshana Zuboff already warns us, with the power not simply to erode privacy but to collect and manipulate data on our very behaviour in ways that allow firms to appropriate our privacy rights and claim them as decision rights of their own. Some have argued that new technologies could replace as many as 1.2 billion of the world's 3.4 billion jobs, leaving millions without work unless we guarantee rights to work and retraining and enshrine new safeguards against algorithmic injustice.

Personally, I think we should be optimists; the future could be extraordinary if we choose to share it well. We could be a bigger community, better connected, healthier, wealthier, wiser, greener, and cleaner. But that is going to take big changes to the way we do things.

How do we think about liberty and freedom in this new world that is coming?

The legacy of Franklin Roosevelt and the approach of philosophers Amartya Sen and Martha Nussbaum point us to a solution. As we saw in our history lesson, Roosevelt crystallised how freedom was so fragile as to be a fiction without the security of a government guarantee. But Sen and Nussbaum point us to a way of going further.

Sen is the author of the UN's first Human Development Indices. In his magnificent Idea of Justice, Sen argues the greatest goal in politics is to equip people with a degree of capability to live a life one can value. For change to be meaningful, we must deliver for each citizen the capabilities they need to flourish. We could call these capabilities 'powers', and for those of us on the left, we would argue for an equality of powers for all citizens, and that

without these powers, 'freedom' is an empty promise, a land of milk and honey we are incapable of ever reaching. Like heaven, it becomes a place, where we can merely pray we reach.

It was Sen who helped me think about just what powers we might want for everyone today: the power to survive and have good health; to be skilled and knowledgeable; to have a good job which brings in a sufficient income, and a decent place to live; the power to be free from fear or attack, to be part of a strong, active community; and a healthy, sustainable natural environment. And, of course, to have aspirations for the future.

I believe this approach takes us to a far more sophisticated and meaningful framework for the next Labour government. In the battle for equality, simple equality of opportunity does not mean enough. Equality of power would mean far more.

The capabilities or power that we might want for our citizens will be different to others nations or indeed other times. They vary depending on culture, needs, preferences, environmental conditions. Many cannot be universally stipulated. Martha Nussbaum has outlined a typology of important kinds of capabilities, which she recognises are not immutable. And Prof Sen left me with an intriguing idea: that if we want to answer the question of 'what powers do people need today' we need a national conversation. So, in the interests of getting that conversation going, here is a first list of just what capabilities or powers a left-of-centre government in the UK might wish for its citizens in the 21st century.

It was drawn up over 10 years ago, when I was Chief Secretary to the Treasury and Minister for Public Service Reform. As we designed our fiscal consolidation plan, I wanted an approach to public spending that would enable radical devolution of budgets pooled from many different government departments, delegated down to local councils and their partners. But we needed to guard against the emergence of the dreaded postcode lottery. So we worked to collapse the 150-plus centrally imposed public service indicators into a handful of 'rights' that would offer every citizen a guarantee of what they expect from the state no matter where they lived. Here is the list we developed:

- To be free from fear or attack.
- To have a good job which brings in a sufficient income.
- To have a decent place to live.
- To have a healthy, sustainable natural environment.
- To survive and have good health.
- To be skilled and knowledgeable.
- To have a strong, supportive family life.
- To be part of a strong, active community.
- To be able to move around and access different places easily.
- To have aspirations for the future.

In a digital era, we will need to add to this list some digital rights. Everyone must be entitled to data security, an equality of access to digital services, a right to privacy, and to ownership – economic and otherwise – of one's personal data. There must also be a right to fairness in automated decision-making: in a world where algorithms are making more and

more decisions in our lives, people have a right not to be treated unfairly as a result of those decisions. We cannot have a world in which yesterday's injustice is hard-coded into tomorrow's injustice.

Based on my experiences serving the most deprived community in Britain, during the brutal realities of the austerity of the last ten years, I think I would now propose something that looks like this:

Article 1
Everyone has the right to liberty, security of person, to live free from fear of crime and to access justice. No one shall be deprived of his liberty save in accordance with a procedure prescribed by law.[65]

Article 2
Everyone has the right to work, to gain a sufficient living by work, freely chosen or accepted, to just and favourable conditions of work, equal pay for equal work and to protection against unemployment[66] with the right to form and join trade unions.

Article 3
Everyone has the right to an adequate standard of living, including adequate food, clothing and an adequate home of their own.[67]

Article 4
Everyone has the right to a clean, healthy and sustainable environment.[68]

Article 5
Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.[69]

Article 6
Everyone has a right to education, directed towards their full development including access to technical and vocational guidance and training programmes.[70]

Article 7
Everyone has the right to respect in their personal, public professional and digital lives and for their private and supportive family life.[71]

Article 8
Everyone has the right to be part of a strong, active community and to freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.[72]

Article 9
Everyone has the right be able to move around and access different places easily, enabled by a universal basic mobility.

Article 10
Everyone has the right to aspire to and to enjoy a continuous improvement of living conditions[73] as material conditions allow.

Some rights are without doubt difficult to measure and deliver such as 'family life' and 'aspirations' – but as a set of objectives to which we should strive to secure for each and every one of us, it would go well beyond Roosevelt's Economic Bill of Rights. And we have a choice about how to propose implementation, at which point we have to navigate some of the objections which were thrown at Roosevelt's mooted second Economic Bill of Rights.

In theory, for rights to be real they need to be 'justiciable'. You need to be able to take them to court. They need backing with simple, strong methods of redress that nevertheless do not mean that public servants are in court every 15 minutes.

Yet Franklin Roosevelt was not actually seeking to change the American constitution. Cass Sunstein, the biographer of his Economic Bill of Rights, points out that; "In proposing the second bill, Roosevelt was not arguing for any change in constitutional interpretation but for new constitutive commitments…not as an effort to alter the founding document but as a concrete account of the nation's understanding of what citizens were entitled to expect."

In this, Roosevelt was harvesting a crop already sown around across Europe where governments in Germany, Spain, Iceland, Finland and the Netherlands had begun to enshrine economic and social rights such as education, income minima and a job. The German constitution of 1919 provided a right to a free public education along with an opportunity to work. The constitution of Iceland, ratified in 1920, provided that "anyone who is unable to support himself or his family…is entitled to receive relief from public funds," and guarantees education. The constitution of Spain, ratified in 1931, said that the nation "shall assure to every worker the conditions necessary for a fitting existence," and that legislation would be provided for "cases of insurance for illness, accident, unemployment, old age, invalidity and death". The 1919 constitution of Finland and the 1922 constitution of the Netherlands required the government to provide education for all while the Dutch constitution declared that "poor relief shall be an object of constant solicitude on the part of the government, and shall be regulated by law."

What Roosevelt was seeking, says Sunstein, was a 'near-constitutional sturdiness' and a 'sense of entitlement'. We should aim for the same. One approach would be to propose a preamble to the Human Rights Act – this would not undermine the Act itself, which simply enshrines the ECHR in UK law and makes it easier to bring ECHR cases in UK domestic courts. Preambles are less 'justiciable' in that they offer a direction of travel, a context within which courts interpret the ambitions of Parliament.

If we were really worried about the challenge these rights might present in a court, we might caveat the Bill with what is known as the principle of 'progressive realisation', the idea that we accept that such rights can only be fulfilled to 'the maximum available resources'. Or we could add a sharper bite in two ways.

First, by engaging the Public Sector Equality Duty set out in Section 149 in

the Equality Act (2010), which requires all public authorities subject to the duty to 'have due regard' to equality considerations when exercising public functions.[74] We should also activate section one of the Act (which the Tories have failed to do) and which places a duty on public authorities to have regard for socio-economic inequalities in their decisions. We could then simply update the Act to include a need to have due regard for advancing equality in the rights and powers set out in our list, for all.

Second, we could actually enshrine our ambition to deliver this agenda by modernising our own clause IV, the Labour party's statement of aims and values which – curiously for a party of equality – does not currently mention equality or our ambition to achieve it. What could such a modernised clause look like? Here is a first attempt to put our traditional values in a modern setting by setting out an ambition to build a country where we all enjoy an equality of power and duty.

A new clause IV?

The Labour party is a democratic socialist party that believes that by the strength of our common endeavour, we achieve more than we achieve alone.

> *"We believe that we are each other's equal and each deserve an equal chance to good health, wealth, happiness and freedom."*

> *"We bring together those who thirst for a fairer, ever more equal, democratic, proud and patriotic country. We have joined together to battle for the power to turn our idealism into action, in parliament, in our communities and in the world beyond."*

> *"We seek power for a purpose: to fight inequality and injustice, to make real the right of each of us to live a life of fulfilment, hope and happiness, free of economic, political, social or sexual exploitation by forces beyond our individual control. Where each of us has the power to become skilled and knowledgeable; to have a good job and a fair income, a decent place to live and aspirations for the future; where our citizens can move and travel freely and live free from fear; where we support a strong family life in strong, active communities, and where we conserve the beauty and health of our environment for generations to come."*

> *"We seek to build a better society where we insist on our responsibilities towards each other and the responsibility of government to do its best with the least it needs."*

There is one final risk to this bold approach to rights that we must flag and discuss. "Unless we place our duties before our rights," says historian and philosopher Quentin Skinner, "we must expect to find our rights themselves undermined."[75] The former Chief Rabbi, Dr Jonathan Sacks, held similar views. If we incessantly issue new rights like a wholesale printing of currency, he argued, we risk causing a massive inflation of rights that devalues their moral claims. If we gain our freedom through membership of a great club called a free state, then it is wrong to see that membership as a 'free ride'. In fact, membership must come with a fee: "Belonging means giving. It involves responsibility-based culture of respect, not a rights-based culture of complaint."[76]

This philosophy sits well within the progressive tradition. After all it was Thomas Paine, who declared that: "A Declaration of Rights is, by reciprocity, a Declaration of Duties, also. Whatever is my right as a man, is also the right of another; and it becomes my duty to guarantee, as well as to possess."[77]

Today, many of us would share the anxieties of philosopher Alasdair McIntyre,[78] who despairs at the 'common good' sinking beneath a wave of individual claims to live carefree and selfish lives. The best kind of life, says McIntyre, is not a world where each of us is 'sovereign in our moral authority' and defined by the rights we hold, but by relationships that sustain us. "I am brother, cousin and grandson, member of this household, that village, this tribe," he goes on. "These are not characteristics that belong to human beings accidentally, to be stripped away in order to discover 'the real me'."

Re-establishing duty in the public square is one good way to remind us of our relationships to others. And in fact, most modern charters of rights have come with the call of duty. "The United Nations declaration of 1948," the philosopher Brian Tierney reminds us, "the grandfather of all the later declarations and agreements on human rights, referred to everyone's 'duties to the community' and to 'due recognition and respect for the rights and freedoms of others'". Our whole culture of rights is built around the idea that persons have rights that others must respect."[79] Article 1 of the Universal Declaration of Human Rights says that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience *and should act towards one another in a spirit of brotherhood.*"

This is mirrored in different ways by charters in Europe, the Americas and Africa. The European Convention on Human Rights recognises that individuals have responsibilities towards one another.[80] The 1948 American Declaration of the Rights and Duties of Man declares that "Every person has responsibilities to his family, community, and mankind. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society". The African Charter on Human and Peoples' Rights declares (Article 27) that "Every individual shall have duties towards his family and society" and

that "The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest". Other examples include the preamble to the Australian Citizenship Act 2007, which states that "Parliament recognises that persons conferred Australian citizenship enjoy these rights and undertake to accept these obligations"; the Australian Capital Territory's Human Rights Act 2004, which encourages individuals to see themselves, and each other, as the holders of rights, and as responsible for upholding the rights of others; as well as the Dutch Charter for Responsible Citizenship and the Polish Constitution.

But setting out 'duties' is a fraught business. When the last Labour government consulted on this[81] many feared a list might fast become a wish list of duties to the state, when as the Archbishop's Council for the Church of England worried: "The exercise of responsibilities to others should be worked out…first in the family, next in the local community and, only where these levels have proved inadequate, in the actions of the State."

But the same consultation revealed a list of duties could galvanise active citizenship. So, what are the choices that might be included in a list? We could perhaps divide the list into the 'widely accepted' and the 'bound to be inspire controversy'. The truth is that over the last 10 years, we have not made much progress in bottoming out many of the debates that were triggered when the Green Paper was published (Are duties judiciable? What are the sanctions for breach? Are the duties owed to each other, rather than the state?)

1. Everyone has a duty to obey the law and, in the exercise of their rights, to respect the rights of others and contribute to the upholding of the King's Peace.
2. Everyone has a duty to pay the taxes they owe.
3. Everyone has the duty, when summoned, to serve on a jury.
4. Everyone has a duty to tell the truth under oath.
5. Parents have a duty to safeguard and promote the wellbeing of children in their care, so that all of our children might flourish.

There are then potential candidates for duties that would undoubtedly inspire more controversy. The usual candidates for this list are as follows:

- **Voting:** Many countries have positive obligations to vote, while others. simply express this as a civic duty
- **Crime reporting:** During the 2009 consultation on duties,[82] there was a rich discussion one whether we should enshrine something on the lines of "Everyone had a duty to report a crime to the appropriate authority and never jeopardise the impartiality of our judiciary."
- **Loyalty and national security:** The Treason Act, espionage legislation, Official Secrets Act and the new National Security Act all effectively enshrine duties to desists from "acting for, on behalf of, or with the intent to benefit a foreign power and knows, or ought reasonably to know, that their acts would

prejudice the safety or interests of the UK". But the Constitution of Poland goes further and declares: "Loyalty to the Republic of Poland, as well as concern for the common good, shall be the duty of every Polish citizen."

- **Learning English:** In our citizenship laws, everyone is asked to learn English. So why would we not enshrine a duty such as this one: "Everyone has a duty if they are able to learn English or the language of their nation"?
- **Duty to work or contribute if one can:** The Italian constitution includes the provision that: "According to capability and choice, every citizen has the duty to undertake an activity or function that will contribute to the material and moral progress of society."[83]

Finally, we could not conceive of our duties today without specifying our duties to the planet, and Kate Raworth, a former World Bank economist, has sketched a beautiful model for just how we need to think about this: the humble doughnut. On the one hand, she asks us to imagine a doughnut's vacant core. This, says Raworth, represents the "shortfalls in human wellbeing, faced by those who lack life's essentials such as food, education and housing". The doughnut's inner ring – its social foundation – sets out the basics of life on which no one should be left falling short.

Beyond the outer ring is "the ecological ceiling [where] lies an overshoot of pressure on Earth's life-giving systems, such as through climate change, ocean acidification and chemical pollution". This ceiling is defined by a paper published in 2009[84] by an international group of Earth-system scientists, which identified the nine critical processes–such as the climate system and the freshwater cycle–that regulate Earth's ability to maintain our happy Holocene-like conditions. "These [10] boundaries," says the author Johan Rockstrom, "define the safe operating space for humanity with respect to the Earth system."

Between these two sets of boundaries lies a sweet spot – shaped unmistakably like a doughnut – that is both an ecologically safe and socially just space for humanity. "The 21st century task," Raworth explains, "is an unprecedented one: to bring all of humanity into that safe and just space."

As it happens, lots of countries are trying to enshrine some of these limits in rights; in fact, the right to a healthy environment has now gained constitutional recognition in more than 100 states. Two-thirds of the constitutional rights, report the United Nations, refer to a healthy environment; alternative formulations include rights to a clean, safe, favourable, wholesome or ecologically balanced environment.

CONCLUSION

A proposal for a Bill of Powers and Duties might not electrify the voters but the measures needed to translate it into action would have wide appeal. Crucially, it would enshrine and advance a strategic narrative that Labour is currently missing. It would help us express our purpose, our unique role in Britain's history as the great democratisers of opportunity and our excitement about the possibilities of the future.

Reclaiming freedom would help us wax lyrical about how we see our country as a special place: 'isles of wonder', a green and pleasant land, a place that changed the world. A land of extraordinary science, the cradle of industrial revolution, the mother of parliaments. A people that stood up to bullies, despots and dictators – even when that meant beating the odds and defending our freedom alone.

The Labour party was born in communities that came together to fight for fair play and democratise freedom. We were created by people who believed that we all have the same freeborn rights, and who learned the hard way that, sometimes, we have to unite to fight to make those rights a reality – just as we have had to unite to care for each other.

We want for each of us the independence, the freedom and the liberty to make our own choices in life. None of us want to be bullied or dictated to or ordered around. We all want the right to earn a decent life to be able to improve ourselves with the sweat of our brow. To have a share in the things we achieve together as a community and a country.

Because we know life can be a lottery when you have got little, it was the Labour party that built mutual aid and social security so we can guard each other against the twists of fate. We know our independence rests on our interdependence.

With these ideals, down the decades, the Labour party – the community party, the party of fair play – changed our country for the better.

Now, we need our ideals for the future, because we live in a world that is changing faster than ever. Inflation is eating away people's savings. Wages are flat. Growth is poor. And soon, automation may wipe out five times more jobs than the shutdown of the coal and steel industry. Most of us do not

have the money to retrain. The planet is warming fast bringing extreme weather that could wreak havoc on these islands. Trade wars loom between old allies like America and new powers like China. New threats like Russia loom larger. Our country is ageing – and a new younger generation wants its chance to get on.

If we do not do anything, there are going to be a few big winners and a hell of a lot of losers. The lucky, born with the best things in life, will do incredibly well. Yet the future could be amazing for us all.

From John Lilburne and the Levellers to the Immortal Seven, and from Thomas Paine and the American and French Revolutionaries to Franklin Delano Roosevelt, there is an extraordinary connected story of radicals fighting against the political odds and the concerts of power to create a democracy of opportunity from the progress of their age.

A new Bill of Powers and Duties would herald the rebirth of left-wing freedom. It would reconnect us with our history and the dreams of centuries of progressive thinkers. It would fight the right on its own turf and prove its definition of freedom unworthy of the word. And it would re-animate left-wing politics, giving us a new cause for the 21st century. We should not be afraid to think big.

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