

## The Philosophy of the Australian Lawyers Alliance

The Australian Lawyers Alliance believes strongly in individual freedom. We believe the primary function of a civilised society is to provide, to the maximum extent possible, an environment in which all individuals can achieve their full potential and engage in the pursuit of happiness without fear of injury, or the unwanted actions or attentions of others.

All civilised societies are fragile structures in which the rights and duties of individuals must be balanced against each other and in which the rights of individuals must, in turn, be balanced against the powers of social institutions and governments.

But it is important to recognise that governments and institutions exist solely to maintain and enforce the rights of individuals, and occasionally to mediate between them. Governments and social institutions are the servants of the people, not the other way around.

But how should that balance between institutional power and individual freedom be struck? The Australian Lawyers Alliance believes that power must be limited to the social purpose for which it is conferred. As John Stuart Mill put it in *On Liberty*:

‘The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.’

Lawyers and the independent judiciary have a fine tradition of standing between the power of the state and the rights of the individual. Where there is oppression or injustice, there are often lawyers helping people to fight it. Sometimes these people advocates suffer ridicule, even violence, at the hands of those whom they oppose.

Unfortunately, their fight is often a lonely one as, all too often, the public is either apathetic, or even hostile, to their stand. Edmund Burke once said that all it takes for evil to flourish is for good people to stand by and do nothing.

The Australian Lawyers Alliance believes that civil society requires us to do more than stand mute in the face of injustice. We are committed to advocating the rights of the individual through the rule of law.

We believe individual freedoms must be predicated on:

1. the recognition that all people are free to live their lives without injury, personal, political or religious oppression or prejudice;
2. equal access to justice before a truly independent judiciary;
3. limits on government power to interfere with individual rights;
4. a constitutional representative democracy in which all citizens have the right and ability to periodically elect governments.

Australian Lawyers Alliance policies are all based on these fundamental principles.