

## [Power 2010: A Bill of Rights](#) [1]

Written by [Tom Papworth](#) [2] | Wednesday 10 February 2010



One of the many [Power 2010](#) [3] proposals is to introduce a [Bill of Rights](#) [4] into the UK. As several commentators have noted, [there already is one](#) [5]. However, this is not the main problem with the proposals. In fact, a Bill of Rights that set out the freedoms that people should enjoy as citizens (not subjects!) of the United Kingdom ? bringing together both ancient liberties and new ones ? would be a good thing.

As the authors themselves note: *"A bill of rights is a list of rights that a nation believes to be of such value and importance that they deserve special protection - examples include freedom of expression, freedom of religion and the right to a fair trial. The purpose of a bill of rights is to protect the rights of individual citizens from infringement by the state."*

However, as is so common when talking about "Rights", the authors of this proposal go on to conflate two very different issues, and in doing so they undermine their case. At the very end of an otherwise quite safe proposal, they suggest that "it could include rights which we value as a society, such as the right to trial by jury, and even rights to welfare and public services like the NHS."

This is where the suggestion of a Bill of Rights goes wrong.

The successful American [Bill of Rights](#) [6] and the [Déclaration des droits de l'Homme et du citoyen](#) [7] set out the freedoms of individuals and the limits of the state. They aimed to prevent the abuse of state power but did not give anybody a claim on anybody else (except the negative claim not to have their life and liberty infringed).

This is what a Bill of Rights should be for: we could call it a Bill of Freedoms.

By comparison, what is being suggested towards the end of the Power 2010 proposal strays into a Bill of Entitlements. This is fundamentally different from a Bill of Freedoms. Firstly, rather than setting people free, it makes people beholden to others; one person's entitlement is another's obligation (you are entitled to something; therefore I and all others must give it to you).

Secondly, welfare benefits should be decided by normal legislation. Only a parliament elected at a moment in time can decide what welfare society can afford and what should be provided by all to all, free at the point of delivery.

Thirdly, this might very well act as an impediment to reform. Almost nobody believes that public services do not need reform. But once a particular set of structures is locked in for all times by a Bill of Rights that is itself hard to change, reform will become massively more difficult. (I assume here that the Bill of Rights

could not be overturned by a simple parliamentary majority ? otherwise, how would it differ from current legislation?).

The aim of a Bill of Rights should be to protect individuals from the majority, not to subject the majority to the claims of individuals. By including entitlements within what should be a charter protecting fundamental liberties, the authors of this proposal have undermined its validity.

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