

## **EPIK 2010 - Politics of Community Building**

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### **Abstract**

Building a stable community has been and still is the leitmotiv of modern politics but individuals have diverse opinions as to how and what should be achieved when building a community.

This paper will seek to elucidate essential conditions which are necessary for community building.

The first part of this paper will clarify the meaning of the terms 'community' and 'community building' and give minimal definitions to these terms to understand the subject matter. After this, a common ground in all arguments related to community building is determined for analytical focus.

The second part of this paper will consider the concept of the rule of law which is an essential foundation of a political system. There are two main theories – the formal and the substantive theories of the rule of law and this part will reach a conclusion as to which theory should be adopted for community building.

The final part of this paper will establish common goals that politics should seek to achieve when building a community and will propose Finnis' objective goods as those goals.

### **Key words**

Community, Community Building, Rule of Law, Formal and Substantive Concepts of the Rule of Law, Peck, Finnis, Objective Goods, Politics, Rules, Adjudication

## Part 1: Introduction

Building a stable community has been and still is the leitmotiv of modern politics around the world. This is clear from the statements made in the United Kingdom by the Conservative and Liberal Democrats Parties respectively: *'Building a strong, more integrated communities is central to our vision for Britain'*<sup>1</sup> and *'It's time to put communities back together'*<sup>2</sup>.

Despite this pervasive aspiration to build communities, political parties and individuals have diverse opinions as to the method and purpose of building a community. For example, the Conservative Party would *'Give greater recognition to St George's day'*, the Liberal Democrats Party would *'...provide enough homes...and...[demand] high environmental standards from all new homes...'* and Community Building In Britain ('CBIB' hereinafter) proposes that individuals should *'...give up some of our individual defences and habitual behaviour'*<sup>3</sup>.

The observations above may seem like a perplexing beginning to our discussion of Community Building. However, to take such a position would be imprudent because the varied views on the Politics of Community Building were given to illustrate a common problem in all literature concerning Community Building; namely that there isn't a meaningful delineation of fundamental concepts such as Community and Community Building. Without consideration of these two concepts, we will not be able to properly discuss the Politics of Community Building as to do so would be equivalent to trying to gun down a target with a blindfold over your eyes. In short, we need to investigate the subject matter and the two concepts will be explored briefly. Once there is a better understanding of the subject matter, this paper will seek to elucidate essential conditions which are necessary for community building.

### *The concept of Community*

A community has been defined in a number of ways: a group of people living in a specific geographical area, *'a group with common interests or origins'*<sup>4</sup> or *'a fellowship, being alike in some way'*<sup>5</sup>. CBIB<sup>6</sup> argues that the *'true meaning of community is mostly lost'* in modern society and definitions above do not amount to a Community because the main purposes of

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<sup>1</sup> Conservative Party Policy on Community Relations:

[http://www.conservatives.com/Policy/Where\\_we\\_stand/Community\\_Relations.aspx](http://www.conservatives.com/Policy/Where_we_stand/Community_Relations.aspx)

<sup>2</sup> Liberal Democrats Party Policy on Community: [http://www.libdems.org.uk/your\\_community.aspx](http://www.libdems.org.uk/your_community.aspx)

<sup>3</sup> Community Building in Britain: <http://www.communitybuilding.co.uk/vision.htm>

<sup>4</sup> Oxford Paperback Dictionary, 4<sup>th</sup> Edition, 2000, Oxford University Press

<sup>5</sup> *ibid.*

<sup>6</sup> It may be odd to some people as to why CBIB's arguments are considered in this paper. CBIB's arguments are considered because CBIB's arguments had some merit and academic value. What matters is the quality of the argument not who makes it. In addition, the purpose of this paper is to elucidate some essential conditions for community building and this essentially requires one to return to basics. Ordinary people's arguments and views often are purer and simpler than academic arguments and CBIB's views serve an important function in this paper. The decision to use CBIB's arguments was not made lightly and is intentional.

Community Building are peacemaking and reconciliation and in order to achieve these goals, effective communication (which aims to achieve the same goals) is required; in the case of individuals within a town, a neighbourhood or a family, they may not even communicate with each other and thus cannot constitute a true community.<sup>7</sup>

However, it is argued that CBIB's view is unreasonably narrow. Firstly, effective communication is not the only way to achieve peace and reconciliation and accordingly effective communication is not required to form a Community. A baby or a disabled person (who is deaf or mute) may not be able to communicate effectively but through their limited conduct (which may not amount to effective communication) still achieve peace and reconciliation. To reject a baby, a disabled person or a person of lower intelligence from a Community on the sole basis that they cannot effectively communicate would be abhorrent as a matter of common sense and contrary to the two aforementioned purposes of Community Building. Secondly, there are many other important purposes of Community Building, such as security, companionship or increasing one's chances of survival, that are neglected in CBIB's argument. In England, people often form 'Neighbourhood Watch'<sup>8</sup> groups to safeguard each other's homes against criminals. Arguably, preventing harm to your home is about peacemaking but it cannot be denied that the primary purpose of forming a community in this instance is security. Finally, the overall purposes of effective communication aren't necessarily peace and reconciliation as the human race has developed complex societies; communication also has an important purpose of allowing individuals to express one's individuality and views which may or may not lead to reconciliation. In litigation, parties present their submissions to the judge, who later pronounces judgment on the case. Neither the parties nor the judge communicate to create peace or reconciliation but simply to bring a dispute to an end. Furthermore, effective communication by way swearing or scorning would not lead to peace and reconciliation.

### *The concept of Community Building*

The concept of Community Building is also contentious. CBIB argues that it is '*a group process where participants experience and practice communication skills that create the possibility of deep human connection.*'<sup>9</sup> This argument is based on a prevailing theory of Scott Peck who argued that community building involves going through a process in four stages: Pseudo-community, where participants are polite and nice to each other; Chaos, where participants start to be more honest in expressing their true views which may lead to conflict; Emptiness, where participants try to fix the Chaos stage and acknowledge their brokenness as individuals; and Community, where participants have deep respect for the needs of the Community members.<sup>10</sup>

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<sup>7</sup> *op. cit.*, no. 3. In the article, the term 'community-making' is used rather than 'community building'.

<sup>8</sup> UK Neighbourhood Watch Trust: <http://www.neighbourhoodwatch.net/>

<sup>9</sup> Community Building in Britain: <http://www.communitybuilding.co.uk/communit.htm>

<sup>10</sup> M. Scott Peck, *The Different Drum: Community Making and Peace* (Arrow Books Limited, 1990)

However, it is argued that Peck's theory of Community Building is fundamentally flawed. Firstly, communication is essential to each stage of Peck's theory but as explained above, communication isn't necessary to form a community – merely sharing similar characteristics may be enough. For example, babies may not be able to communicate effectively and go through Peck's processes but nevertheless be part of a community on the basis that they share something in common with other community members. Furthermore, it would be unsatisfactory if a community breaks up every time there is lack of communication – Peck's theory is simply not workable – if a person goes to work during the week, is he not part of the community during this period? Secondly, Peck stereotypes and simplifies human beings as identical automatons and ignores the diversity of human personalities. Individuals may not be polite but rude even at the first meeting, we may never express our 'true views' to avoid conflict and rather than to fix any 'chaos', individuals may simply resort to leaving a group which may be simpler. Furthermore, community members don't need to form deep human connections or respect for each other. Members of a professional association may never have any deep human connections with each other; their association may simply be due to the fact that it is beneficial to have an organisation that represents their common interests. In short, individuals often form communities simply based on material need and utility.

#### *Minimal definition and Common ground*

Although this paper has explored the two concepts as promised, no definitions have so far been provided because there are dangers in having detailed definitions; definitions could undermine this paper by locking us in an eternal debate on these concepts and it is self-evident that it is unfeasible to cover the concepts thoroughly in this paper.

Nevertheless, in an endeavour to be as unambiguous as possible, it is self-evident from our discussions above that community can be defined minimally as 'a group of individuals sharing something in common' and accordingly, community building is minimally defined as 'a group process in which the participants realise or try to realise their commonality.'

These definitions may be unsatisfactory due to its minimalistic character or one may disagree with them fundamentally. It is important to appreciate that the analytical focal point of my discussion is not the stated definitions but the common ground in all arguments that individuals are at the heart of Community Building. In all arguments, there cannot be a community without individuals and a community is constantly influenced by the members within. Therefore, the focus of our discussion should be on individuals rather than the dealing with a community as some sort of metaphysical entity, using minimalistic definitions. In essence, we are piercing through the exterior of the endless arguments and harvesting their intrinsic common quality, as this is what would lead to progress in our discussion.<sup>11</sup>

As there is a better understanding of the subject matter, the next section will start to elucidate the essential conditions which are necessary for community building.

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<sup>11</sup> For a similar philosophical approach, see Ronald Dworkin, *Life's Dominion: An argument about Abortion, Euthanasia, and Individual Freedom* (Vintage Books, 1994)

## Part 2: The rule of law – a framework for politics to function within a community

### *How is politics relevant to Community Building?*

It has been established that individuals are at the heart of the debate on community building. Individuals have distinct personalities and diverse opinions, which can often lead to disputes on issues that a community has to decide as a whole. A community can also structure itself in many ways and can choose to adopt one or a mixture of infinite number of political theories to achieve its aims. In order for a community to adapt to a dynamic environment by acting efficiently and coherently, rules are vital in regulating the conduct of community members and resolving disputes between them. If there are rules, it logically follows that there should be a rule making mechanism and this is where politics have a central role and relevance in community building.

### *Are rules necessary?*

Peck argues that moving into organisations and establishing rules would prevent a creation of a community.<sup>12</sup> Flaws in Peck's theory were discussed in Part 1 of this paper but most importantly, there appears to be a complete ignorance of the concepts of law and rules.

The fundamental misunderstanding is that rules are perceived only as restrictions on liberty and that this is bad. Rules have a role in numerous social functions and many are power-conferring. For example, the law of contract allows parties to form a legally binding contract. This is not a restriction on the parties but allows people to act. In addition, certain restrictions on liberty actually will help create a community. For example, restrictions on violence would assist in creating peace and harmony, which is valuable in Community Building. Therefore, rules have a positive and constructive function in community building and it is necessary.

There is a vital distinction between rules that govern conduct (such as 'you shall not kill') and rules that regulate other rules (such as "Parliament may pass laws").<sup>13</sup> As a community makes its decisions on its conduct, eventually there will be a regular pattern of behaviour that shows how such decisions or rules are made.<sup>14</sup> Therefore, it is important to appreciate that even if rules may not appear to be necessary for Community Building, it is inevitable that rules are created in a community as it continues its life. In essence, the existence of rules within a community is a social fact.

In this section, it has been concluded that rules and politics are relevant and necessary to community building. This paper will now focus on the concept of the rule of law because the rule of law provides a framework for politics and rules to operate within a community. Accordingly, the rule of law is an essential condition for community building and must be elucidated.

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<sup>12</sup> *op. cit.*, no.9

<sup>13</sup> H.L.A.Hart, *The Concept of Law* (Oxford University Press, 1994). Hart refers to these rules as primary and secondary rules respectively.

<sup>14</sup> *op. cit.*, no.12, page 94. Please refer to the term 'rule of recognition'

## *The rule of law*

Since 1945, there has been considerable international movement to promote the rule of law and this is apparent from the Universal Declaration of Human Rights adopted in 1948 and the European Convention on Human Rights signed in 1950.<sup>15</sup> However, there is no universally accepted concept of the Rule of Law and in order to tailor the rule of law to Community Building, a distinction between formal and substantive notions of the rule of law should be made.

Dicey argues that the rule of law consists of three meanings: firstly, the regular law has absolute supremacy against exercise of arbitrary power; secondly, there should be equality before the law; and thirdly a constitution is the result of the ordinary law of the land.<sup>16</sup> This is an example of a formal concept of the rule of law which does not seek to pass judgment on the content of the law itself and would not decide whether a law is good or bad. However, it addresses the manner in which the rule was created, clarity of the rules and the temporal dimension of the rule (whether the rule applies retrospectively or prospectively). In this view, the rule of law should be independent of the concepts of democracy, justice, equality or human rights as acting to the contrary would be creating a complete social philosophy which would render the rule of law useless. Under this view, rule is valid provided that a community followed correct rule making procedures, no matter how morally or socially wrong the rule is.

Applied to communities, the formal concept of the rule of law is quite attractive. Applying Dicey's three meanings in order: the majority or those with power within a community cannot act arbitrarily without proper basis; community members should be afforded equal rights and should not be discriminated when a rule is applied; and a stable political system can surface naturally from a community's ordinary rule making process as opposed to some elaborate formal process (such as drafting a written constitution).

On the other hand, the substantive concept of the rule of law accepts the formal meanings above but goes beyond this by arguing that substantive rights (such as individual freedoms) are derived from the rule of law and therefore the doctrine of the rule of law can be applied to distinguish between good and bad laws. This certainly appears to be a popular view taken by the courts in the United Kingdom. For example, in *Jackson v Attorney General*<sup>17</sup>, Lord Hope stated that '*The rule of law enforced by the courts is the ultimate controlling factor on which our constitution is based*' and Lord Steyn, who sat in the same case, later in a lecture said that in certain circumstances the 'rule of law may trump Parliamentary Sovereignty'.<sup>18</sup> An identical view was also given by Lord Woolf in another lecture who stated that if a law is contrary to the rule of law, the courts are prepared to declare it invalid.<sup>19</sup> Essentially, if a

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<sup>15</sup> Bradley and Ewing, *Constitutional and Administrative Law* (Pearson Education Limited, 2003), 100

<sup>16</sup> A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (Liberty Fund Inc, 1982).

<sup>17</sup> [2005] UKHL 56

<sup>18</sup> Anita Davis, *Supreme Court UK: radical Change or business as usual:*

[http://www.oelaw.co.uk/uploads/essays/2010\\_davies.pdf](http://www.oelaw.co.uk/uploads/essays/2010_davies.pdf)

<sup>19</sup> This was a lecture given by Lord Woolf when I was a law student at University College London

community decides a rule through proper procedures that all babies born on Mondays will be killed, under a substantive concept of the rule of law, this rule would be rendered invalid.

It is argued that the substantive notion of the rule of law is cogent for three reasons. First, the formal conceptions are themselves based on substantive foundations such as moral autonomy and individual integrity. Therefore, it is theoretically not possible to maintain a dichotomy between formal and substantive. Second, rules include principles and when considering principles, one must go beyond the formal concept and consider substantive issues such as justice and fairness.<sup>20</sup> In *Riggs v Palmer*,<sup>21</sup> the issue was whether a murderer was entitled to inherit under the will of his victim if the will was valid and in the murderer's favour. The existing rules did not provide for exceptions and would have given the inheritance to the murderer. However, the court decided that rules are subject to general principles of law, including the principle that a person should not benefit from his own wrong (*jus ex injuria non oritur*)<sup>22</sup> and the murderer could not inherit from his victim. In short, it is impossible to separate substantive issues when applying rules and accordingly, the substantive view is more persuasive. Third, a rule can never be perfectly clear. Let us suppose that there is a rule that 'no vehicles are allowed in the park'. At first, the rule may appear clear but what is meant by 'vehicle'? 'Vehicle' could include a car, a truck, a segway, a bicycle or a wheelchair. It is clear that when applying rules, we have to engage in an interpretive exercise and this requires us to consider the content of the rules substantively and a formal concept of the rule of law would not allow this.<sup>23</sup>

A substantive concept of the rule of law may be persuasive and appropriate to Community Building but how is this relevant or useful? It is relevant and useful in three ways.<sup>24</sup> Firstly, the rule of law assumes that rules and order is better than anarchy. This is important to successful Community Building as maintaining rules and order enables the existence of a political system, liberty and plurality of views. As the Supreme Court of Canada states, '*...democracy in any real sense of the word cannot exist without the rule of law.*'<sup>25</sup> Secondly, the rule of law comprise of the principle of legality, namely that government should operate through law. Should a community decide that each member should make a certain financial contribution (a form of tax) for a project, it must do so properly following established procedures and rules. This will ensure fairness in the political process which will increase the chance of members remaining in the Community; if members feel gross injustice, they are likely to leave from discontent which would lead to a disintegration of a community. Thirdly, the rule of law enables an individual to challenge a community's collective decision that infringes upon an individual's basic rights. Such possibility of a challenge ensures that the

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<sup>20</sup> T.R.S.Allan, *Law, Liberty and Justice, The Legal Foundations of British Constitutionalism* (Oxford: Clarendon Press, 1993) chapter 2

<sup>21</sup> 115 N.Y. 506 (1889)

<sup>22</sup> *Osborn's Concise Law Dictionary* (Sweet & Maxwell, 2004). This is Latin for 'A right does not arise out of a wrong'

<sup>23</sup> Dworkin, *Law's Empire* (Hart Publishing, 2006)

<sup>24</sup> *op. cit.*, no.14, page 96.

<sup>25</sup> *Reference Concerning Certain Questions Relating to the Secession of Quebec* (1998) 161 DLR (4<sup>th</sup>) 385, 416 – 17

majority do not make tyrannical decisions and accordingly chances of creating peace and harmony is increased.

It is clear from our discussions above that the rule of law is a structure and foundation for political activity within a community. This system can be used in different ways in community building by community members who are the users of this system. The next logical step is to discover how a community should be built within this framework of the rule of law and this will be done by ascertaining common or public goods that a community members should seek to achieve.

### Part 3: What do individuals seek to achieve when building a community?

The essence of the difficulty in determining what individuals seek to achieve in Community Building is a failure to appreciate the distinction between objective and subjective goods. Accordingly, the debate on Community Building has lacked focus.

Objective goods are not concerned with desires or moral values but things that make life meaningful, qualities which render activities and forms of life desirable.<sup>26</sup> On the other hand, subjective goods are things that are good because one happens to desire them.<sup>27</sup> Let us suppose that a community considers a ban on chocolates as consuming chocolates could lead to obesity and diabetes. Individuals are all unique and therefore subjectively have different opinions on issues affecting a community; using our example, one person would consider it subjectively 'good' to have freedom to eat whatever they want whereas another person would consider it also subjectively 'good' for people to be thin. It is apparent that there will be an infinite number of subjective views and this will inevitably lead to conflict. Unresolved conflict between individuals will hinder creation or enhancement of a community; objective goods provide common goals which overall seeks to achieve 'human flourishing',<sup>28</sup> and it is therefore submitted that objective goods should be the focus of our debate on Community Building.

What are the objective goods for building a community? As Finnis have argued, objective goods have a manifest position within our practical reason and this is the criteria by which we can select our objective goods. By reflecting carefully upon our own engagements in practical reason, there are seven basic objective goods which are: life, knowledge, play, aesthetic experience, friendship, practical reasonableness and religion.<sup>29</sup>

Life signifies every aspect of the vitality which puts a human being in good shape and health for self determination. Without life, there isn't anybody to make choices and create a community. Therefore it is apparent that life is an objective good that is essential for human flourishing.

Play involves engaging in performances which are enjoyed for its own sake and could include social, intellectual or physical activities. Play can enter into any human activity and given its pervasive and inseparable nature, it has its own value as an objective good.

Friendship involves acting for the sake of one's friend's purposes and well being rather than for oneself. Indeed, a community is not a relationship between friends, however as Simmonds notes,<sup>30</sup> it is analogous to friendship and a realisation of this objective good leads into a concern for the community.

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<sup>26</sup> N.E. Simmonds, *Central Issues in Jurisprudence* (Sweet and Maxwell, 2004), 100

<sup>27</sup> *Ibid.*

<sup>28</sup> John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 1980)

<sup>29</sup> *Ibid.*

<sup>30</sup> *op. cit.*, no.24.

Aesthetic experience is concerned with seeking our beauty externally or by inner experience and could arise through the act of creating some work in a significant or satisfying form.<sup>31</sup> It is obviously an objective good as when we communicate or act, our words or actions are based on our aesthetic experiences.

Practical reasonableness involves using one's intelligence to choose one's actions and to shape one's character. Practical reasoning enables us to make informed choices as opposed to merely following our instincts and it is therefore apparent that it is an objective good.

Religion here is concerned with 'questions of the origins of cosmic order and of human freedom and reason'.<sup>32</sup> By considering these questions or beliefs, individuals including atheists are curious to explore and study the world around us. With this immense curiosity, we try to understand the world better and this constant effort creates improvements and progress and again religion is obviously an objective good.

Knowledge is noticeably an objective good as to deny it would be self-refuting. If I deny that knowledge is good, I would nevertheless believe my opinion is good and we have already engaged in reasoning.<sup>33</sup> As MacCormick puts it: '*why should... anyone... care to know that knowledge is not worth having unless, after all, at least that knowledge is worth having.*'<sup>34</sup>

It could be argued that objective goods cannot be derived from practical reasoning because reasons do not tell us what we ought to pursue but only how to attain ends we have already chosen.<sup>35</sup> If I want to eat vitamin pills, this may be due to my desire to keep fit and healthy. However, this does not explain why it is objectively good to keep fit and healthy. Under this view, every reason is related to a desire that a person has and it cannot tell us whether one desire is better than another.

However, it is argued that desires only make sense by reference to the idea of objective goods.<sup>36</sup> Using the above example, one would ask questions such as 'why the vitamins are good for you', 'how the vitamins work in your body'. With these lines of questioning, we are trying to rationally determine whether the reasons for taking vitamins are objectively good. Furthermore, we have numerous desires at the same time and they may conflict. As Hegel points out,<sup>37</sup> a desire cannot be quantified and rather than making an arbitrary decision by weighing up the different desires (which is impossible), we consider the good properties of the objects to make our decisions.

The objective goods stated above all contribute to 'human flourishing' and accordingly helps community building. These objective goods are the minimum values that a community should seek to achieve and if any community action were to infringe upon any of these objective goods, such action should be reconsidered.

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<sup>31</sup> Martin and Turner, *Key Facts Jurisprudence* (Hodder Arnold, 2010)

<sup>32</sup> *op. cit.*, no.26.

<sup>33</sup> *Ibid.*

<sup>34</sup> MacCormick, *Natural Law Reconsidered*, (1981) 1 OJLS 99

<sup>35</sup> *op. cit.*, no.24

<sup>36</sup> *ibid.*, page 101

<sup>37</sup> Hegel, *Philosophy of Right* (Oxford University Press, 1967).

It could be argued that there is a selection problem with the aforementioned objective goods that contribute to human flourishing since justice, equality and liberty could also serve the same function. Although it is true that justice, equality and liberty contributes to human flourishing, it is argued that these concepts have already been covered by the objective goods. There are many leading academics who have written on these three concepts. For example, Rawls and Nozick have written extensively on distributive justice, Hart and Dworkin on legal justice, John Stuart Mill on equality and liberty. This illustrates that the pursuit of justice, equality and liberty are permutations of the objective goods of practical reason and knowledge. Furthermore, justice, equality and liberty are concerned with the quality of one's life and experience in a society. Again, these three concepts have relation to other objective goods such as aesthetic experience, life and friendship.

## Conclusion

The aim of this paper was to elucidate essential conditions which are necessary for community building. In light of the discussions in this paper, the essential conditions can be summarised as follows:

Firstly, there should be a good understanding of fundamental concepts. Essentially the challenge in discussing the Politics of Community Building has been a general lack of understanding of fundamental concepts such as Community and Community Building in various literatures. By understanding the subject matter, it is possible to start constructing a theory of community building. Simply put, you cannot bake a cake before having some ideas as to what a cake is like. As J.L.Austin remarks, we should use 'a sharpened awareness of words to sharpen our awareness of phenomena'.<sup>38</sup>

Secondly, individuals are at the heart of the debate on community building. The focus of any analysis on community building should be on the individual not a community as some form of metaphysical entity.

Thirdly, the rule of law is the foundation of a community as rules regulate the conduct of community members and provide a foundation for political activity.

Fourthly, the substantive concept of the rule of law should be adopted in community building.

Finally, the seven objective goods: life, knowledge, play, aesthetic experience, friendship, practical reasonableness and religion are fundamental goals that a community should seek to achieve.

At this point, it may not be clear what is the significance of the discussions in this paper was as these discussions have often been metaphysical and philosophical.

Pressing political issues change daily and politicians in any country or community must act quickly to address these issues and make difficult policy decisions. In the 1980s, Margaret Thatcher's decisions were strongly opposed by the labour unions but Thatcher maintained her position on the basis of principles that she believed to be correct. This highlights the importance of principles to politics and communities as principles allow us to make decisions efficiently and with convictions in difficult situations where there may be strong oppositions or disagreements. Therefore, the essential conditions for community building elucidated in this paper are important and useful because they are guiding standards that aid formulation and application of policies for community building.

The essential conditions for community building expounded in this paper are not exhaustive and it cannot be denied that all the concepts explored in this paper can be analysed further. It is therefore important to appreciate that that this paper is not 'a series of axioms from which

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<sup>38</sup> *op. cit.*, no.13, preface

all subsequent conclusions may logically be inferred'<sup>39</sup> and the discussions on community building should continue to be developed in a substantive way.

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<sup>39</sup> M.D.A.Freeman, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 2005), 43