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Local Control Means Local Tyranny

In the 2017 legislative session, Texas lawmakers sought to restrict the ability of local governments to violate property rights. Not surprisingly, local governments and the supporters of regulations pertaining to plastic bags, trees, short-term rentals, and more were upset. They argued that local governments should be allowed to enact the laws that their citizens want.

On the surface, this may seem like a reasonable argument. But what might seem reasonable on the surface may not remain so if we consider the full context. Only then can we make an informed decision what is reasonable and what is not.

The supporters of local control argue that we are a nation in which government is of, by, and for the people. If the people desire restrictions on plastic bags, protection for “historic” trees, or regulations controlling short-term rental properties, government should respond accordingly. If the state government intervenes and strikes down such ordinances, then it is usurping the “will of the people.” And that, they want us to believe, is a bad thing.

Contrary to what many believe, America (and Texas) was not founded as a democracy. It was founded as a constitutional republic and the powers of government were carefully limited and restricted. In a democracy, the majority may do as it pleases simply because it is the majority. The “will of the people” reigns supreme. If the people vote for a dictator, as they did in Nazi Germany, so be it. If the people vote for a repressive theocracy, as they have in many Middle East countries, so be it. If the people vote for a Marxist regime, as they have in Venezuela, so be it. And opponents will be forced to suffer because “the people” have spoken.

To the advocates of democracy, voting equals freedom. If one can vote, then one is free. But this equates two things that are very different. Voting means that one can register his preference regarding candidates or policies. Freedom means the absence of coercion. Let us consider a referendum on a local tree ordinance as an example.

Such a referendum would allow each voter to register his opinion on the subject, whether he owns property subject to the ordinance or not. Let us say that the ordinance passes, and the “will of the people” has determined that the local government can regulate tree removal. A property owner who opposes such regulations is forced to abide by them. He is no longer free to act as he deems best. He is no longer free to use his property as he desires. His judgment, desires, and values are subordinated to those of the community. He cannot act as he chooses, but only as the majority dictates.

This is the essence of democracy and local control: the individual is forced into subservience to

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the majority. The fact that he had a vote in the matter does not change this. He is not free to live as he chooses.

Democracy is a tyranny of the masses. It means that the majority may impose its values and judgment upon the individual. The individual must serve the majority, and if he refuses government will seize his property or throw him in jail. He cannot act by right, but only with the permission of the community's leaders.

Consider tree ordinances as an example. While the details vary, such ordinances require a property owner to obtain approval from the government before removing certain trees. And he must pay a fee for the privilege of groveling for permission to use his property as he chooses. If he acts contrary to the dictates of government officials, he will be fined and perhaps incarcerated. The same principle applies to prohibitions on plastic bags, regulations on short-term rentals, and the myriad other local violations of property rights.

It is understandable that individuals want a voice in what happens in their community. It is understandable that they may not always like how others choose to use their property. But there is a fundamental difference between "living and let live" and trying to force everyone into the same box. There is a difference between respecting the freedom of others to make choices that we don't like and prohibiting their freedom to act on choices that we don't like.

The advocates of local control want to prohibit actions that they don't like. They want to prohibit individuals from cutting down certain trees, demolishing "historic" buildings, using plastic bags, offering ride-sharing services, and many other things. They want to prohibit individuals from creating, using, and trading values. They want to restrict the ability and the freedom of individuals to flourish.

They will deny that that is their goal or desire. But their stated intentions belie such denials. In advocating policies that deny individuals freedom, they deny individuals the ability to flourish. Flourishing is inseparable from freedom. Without freedom, individuals cannot choose the values that will bring them satisfaction, joy, and happiness. Without freedom, individuals cannot choose the means for attaining those values. Without freedom, individuals are denied the rights to life, liberty, and the pursuit of happiness.

The proper purpose of government is the protection of individual rights—the freedom of each individual to live his life as he chooses, so long as he respects the freedom of others to do the same. The Constitution of the United States (and Texas) was written for this express purpose, and it is the responsibility of the federal government to strike down state or local laws that violate individual rights, including property rights. Similarly, it is the responsibility of the state government to strike down local laws that violate individual rights.

The advocates of local control object to such restrictions on their ability to establish local tyrannies. Let them object. And let us respond by exposing them for what they are.



The Texas Institute for Property Rights provides analysis, training, and resources for legislators, businesses, organizations, and property owners.

Voice: 979-429-4447

Website: www.texasipr.com

Email: contact@texasipr.com

Facebook: www.facebook.com/texasipr/