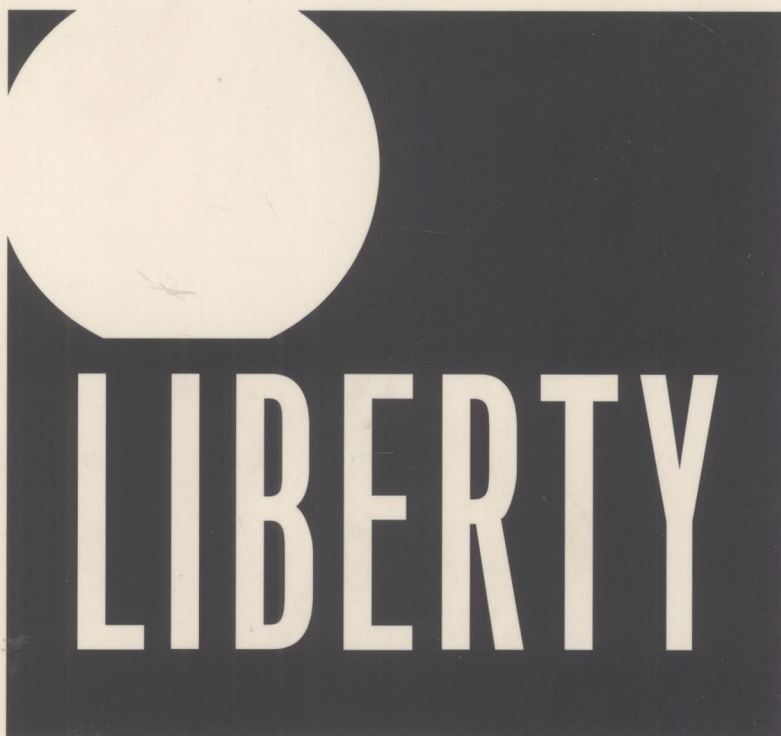


F. A. HAYEK

AUTHOR OF *THE ROAD TO SERFDOM*

The Definitive Edition

THE CONSTITUTION OF





THE COLLECTED WORKS OF

F. A. Hayek

VOLUME XVII

THE CONSTITUTION OF
LIBERTY

The Definitive Edition

EDITED

RONALD HAMOWY



The University of Chicago Press

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Edited by Bruce Caldwell

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THE COLLECTED WORKS OF F. A. HAYEK

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EDITORIAL FOREWORD

Many scholars view *The Constitution of Liberty* to be F. A. Hayek's greatest work. It is a great pleasure to present here, as volume 17 in the series, *The Collected Works* version of the book.

I was delighted when Ronald Hamowy agreed to serve as the editor of the volume. Hamowy did his Ph.D. under Hayek at the Committee on Social Thought at the University of Chicago and was on the scene in 1960 when *The Constitution of Liberty* was published. Indeed, he wrote one of the first critical reviews of the book, one that so impressed Hayek that he penned a reply.¹ Because of his intimate knowledge of the material, Hamowy is in many respects the ideal choice as editor.

Those familiar with the original 1960 version of *The Constitution of Liberty* will notice some differences between it and *The Collected Works* edition. The most prominent of these is that the endnotes of the 1960 volume have been transformed into footnotes in the present one. The decision to make such a dramatic change was not made lightly. The endnotes ran to over one hundred pages, and there was some fear that when set as footnotes they might overwhelm the text. As I read through the manuscript that Hamowy had prepared, though, it quickly became apparent how useful it was to have the notes immediately available. Hayek's text typically does not provide any clues as to what one is going to find in the endnotes. One would never try to check every one, and because of that, much is missed. The problem was remedied by turning them into footnotes. I have read *The Constitution of Liberty* a number of times. In looking over Hamowy's manuscript, I learned a number of things I never knew before, simply because I had Hayek's notes right there before me. It greatly enhanced my reading experience and my engagement with Hayek's ideas.

As he indicates in his "A Note on the Notes," editor Hamowy checked Hayek's notes for accuracy, making additions when Hayek omitted material and silently correcting any bibliographical errors that Hayek may have made.

¹ See Ronald Hamowy, "Hayek's Concept of Freedom: A Critique," *New Individualist Review*, 1 (April 1961): 28–31; F. A. Hayek, "Freedom and Coercion: Some Comments and Mr. Hamowy's Criticism," *New Individualist Review*, 1 (Summer 1961): 28–30, reprinted in *Studies in Philosophy, Politics, and Economics* (Chicago: University of Chicago Press, 1967), pp. 348–50.

But Hamowy did much more than this—translating passages, adding more than two hundred citations from the 1971 German edition of the book, and providing explanatory information when appropriate.

In his notes, Hayek quoted from sources in many different languages, including German, French, Italian, Spanish, Russian, Greek, and Latin. A number of scholars contributed at the copyediting stage, and at very short notice, to ensure that any typos or other errors that crept into the manuscript were corrected. I am indebted to Professors Marina Bianchi, Linda Danford, Hansjoerg Klausinger, Susan Shelmerdine, and Pedro Schwartz for their invaluable and timely assistance.

There are a number of others who contributed. Kevin Welding and Nicolas Venditti prepared an initial version of the master text, and Chandran Kukathas did some early work on the volume prior to passing on the job of editor to Ronald Hamowy. David Pervin of the University of Chicago Press oversees the whole *Collected Works* series and has been a frequent source of assistance and sound advice. His counterpart at Routledge, Thomas Sutton, has managed the distribution of the volume outside of North America. Perhaps my greatest debt, however, is to the meticulous and unflappable Rhonda Smith, who brilliantly coordinated and executed the immensely complicated task of copyediting the manuscript.

Given the new placement of the notes, and the immense amount of work that so many people have put into this volume, we have decided to label *The Collected Works* version of Hayek's great book *The Definitive Edition*.

Bruce Caldwell
Greensboro, North Carolina

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INTRODUCTORY ESSAY

In September 1989 the Solidarity party, an arm of the Polish anticommunist labor movement, took control of the government in Poland after the party had earlier won all parliamentary seats. In the same month, Hungary opened its borders with Austria, thus permitting huge numbers of refugees to flee Eastern Europe and particularly East Germany. Two months later the Berlin Wall was opened and the East German government collapsed. Also, in the same month that Solidarity achieved a massive election victory in Poland, Alexander Dubček, who had been taken into custody by occupying Soviet forces in Czechoslovakia in 1968, addressed a rally of 300,000 in Prague. Mounting protests against the communist regime throughout Czechoslovakia finally led to the resignation of its Communist government in late December. These events throughout Eastern Europe soon spread to the Soviet Union where pressures for reform had been building. Finally, in December 1991, the Soviet Union was officially abolished and Russia, the Ukraine, and Byelorussia created the Commonwealth of Independent States, thus bringing to an end seventy-four years of Communist control. Despite the appearance of impregnability, the swiftness with which these governments collapsed is testimony to how corrupt and diseased their internal structures were.

Few Western social theorists foresaw just how feeble the economic framework of communist nations in fact was. It had been assumed by millions that planned economies could somehow put an end to the depredations associated with capitalism and could open the way to a more just and fair distribution of wealth and, while it might require temporary sacrifice and hardship, would in the end result in a better world. Nor was this view limited to those living in Eastern Europe. Most Western intellectuals were equally convinced that socialism offered a realistic, and in many way superior, alternative to the free market.

While most intellectuals were prepared to accept the fact that there was nothing inherent in socialist economies that prevented this outcome, F. A. Hayek, in a series of penetrating analyses, had demonstrated that such planning was impossible in the absence of a price system such as only free markets could provide. In the absence of prices that accurately reflect people's pref-

erences for various goods and services, government direction of the economy can only lead to increasing malinvestment and disorder. This constituted a crucial failing that made the ultimate disintegration of communist societies inevitable. Hayek had been preceded in his analysis by his mentor at the University of Vienna, Ludwig von Mises, whose seminal work on socialism was first published in the early 1920s. To those persuaded by the arguments put forward by Mises and Hayek, the collapse of the Communist governments of Eastern Europe came as less of a surprise than to many others. Indeed, the great contribution of these two thinkers is that they demonstrated that government attempts to plan the economy were inevitably doomed to fail.

Mises had argued in a seminal article published in 1920¹ that productive efficiency was contingent on knowing the real prices of the factors of production, since without such prices it would be impossible to know how to rationally allocate resources. With all productive resources owned by a central authority and in the absence of market-generated prices, the calculation of real costs would be impossible and thus render production essentially random. To these conclusions Hayek added the notion that the market was itself essentially a discovery process providing information that would otherwise not exist on the relative value of goods. This information, he contended, could only be supplied by free markets since it was impermanent and widely dispersed among a host of individuals, many of whom were not even aware that they possessed any relevant knowledge, knowledge that emerged only as a product of the market process itself. As one economist has written of Hayek's conclusions: "Persons embedded in a competitive process can, by virtue of their very rivalry with one another, impart information to the system of relative prices that in the absence of competition they would have no way of obtaining."² Without a price system socialist economies lacked the ability to coordinate the actions of consumers and producers and were thus doomed to substantial misallocations of resources. These insights, together with Hayek's conclusions regarding the business cycle, were on the verge of dominating academic economics when, in the early 1930s, the world found itself in the midst of the

¹"Die Wirtschaftsrechnung im sozialistischen Gemeinwesen," *Archiv für Sozialwissenschaft und Sozialpolitik*, 47 (1920): 86–121. The article was translated into English in 1935 and published under the title "Economic Calculation in the Socialist Commonwealth," published in *Collectivist Economic Planning: Critical Studies of the Possibilities of Socialism*, F. A. Hayek, ed. (London: Routledge and Kegan Paul), pp. 87–130. Mises's conclusions were expanded two years later in *Die Gemeinwirtschaft: Untersuchungen über den Sozialismus* (Jena: Gustav Fischer, 1922), translated into English by Jacques Kahane in 1936 as *Socialism: An Economic and Sociological Analysis* (London: Jonathan Cape).

²Don C. Lavoie, "Economic Calculation and Monetary Stability," *Cato Journal*, 3, no. 1 (Spring 1983): 164. Hayek first discusses the question of economic calculation in "The Nature and History of the Problem," pp. 1–40, and "The Present State of the Debate," pp. 201–43, in *Collectivist Economic Planning*, F. A. Hayek, ed.

Great Depression. In 1936 John Maynard Keynes published his *General Theory of Employment, Interest, and Money*. Released at the Depression's height, the academic world found in Keynes's recommendations regarding deficit spending and vigorous government activity a formula that had far more appeal than did Hayek's analysis of the causes of the business cycle and the need to allow the market to correct itself without more monetary intervention. The result was that Keynes's theory of underinvestment and underconsumption during periods of slow or negative economic growth came to dominate economic theory for several decades.³

Hayek's analysis of the role of the price system and its effect on the operation of socialist societies, however, was not limited to economic issues. Alarmed by the spectacular growth of government involvement in the economy in Great Britain and the United States, in part as a reaction to the Great Depression and the Second World War, Hayek published *The Road to Serfdom* in 1944, his first work aimed at an audience broader than academic economists. The prevailing orthodoxy during the period held that National Socialism was, in every crucial respect, the antithesis of welfare socialism. Welfare statism had captured the imagination of most intellectuals during the Depression and remained popular during the struggle against Nazi Germany. This view was exacerbated by the barrage of propaganda issued by the allied governments during the war, when it was felt necessary to paint England, the United States, and Stalinist Russia as similar in their approach to economic and social problems, in contrast to Nazi Germany and Fascist Italy. It was generally thought that only through vigorous government intervention was it possible to forestall the more destructive aspects of unbridled capitalism, which, if left unchecked, would bring privation and misery to the great mass of people. Equally important, only government direction could galvanize and coordinate the productive facilities of a nation so as to minimize waste and maximize wealth creation.

Reaction to the essay was, with few exceptions, both hostile and swift, both in Britain and in the United States.⁴ Most of the book's readers were appalled

³The claim that Hayek's writings in political and social theory reflected a rigidity that fatally compromised his conclusions is without merit. Nor were his arguments in the field of economics "muddled." To contend, as does Robert Skidelsky ("Hayek versus Keynes: The Road to Reconciliation," in *The Cambridge Companion to Hayek*, Edward Feser, ed. [Cambridge: Cambridge University Press, 2006], pp. 82–110), that these failings are what account for the success of Keynesianism while Austrianism was relegated to the margins of the discipline is to misconstrue the political history of the 1930s, when massive government intervention in all aspects of social and economic life became fashionable, and the attractions of Keynesianism to professional economists who saw in Keynes's conclusions an opportunity to henceforth play prominent roles in shaping fiscal policy.

⁴Indeed, a new low in academic discourse was probably set by Herman Finer, university professor of political science at the University of Chicago, whose venomous book, *The Road to Reac-*

that Hayek could suggest that any approach to social problems as benign as welfare socialism was similar to a movement as pernicious as was National Socialism. Hayek had contended that distrust of the market and the disdain that was felt for individual decision making were common to both fascism and welfare-statism, which destroyed the spontaneous order inherent in free and undirected markets and led to a wide array of unforeseen and undesired consequences. These, in turn, led to more controls on people's actions and increasingly greater limits on freedom. Public response to *The Road to Serfdom* doubtless contributed to Hayek's decision to devote more of his time and energies to discussing why socialist societies, by their nature, rested on coercion and to lay bare the principles of a free and open society. The upshot of this decision was *The Constitution of Liberty*, which was published in 1960, wherein he sought more fully to examine the demarcation between the amount and area of government intervention that he regarded as consistent with a free society and governmental actions that illegitimately encroached on personal liberty.

Bruce Caldwell, in his excellent study of Hayek's social and economic thought,⁵ has suggested that *The Constitution of Liberty* most likely constituted a part of Hayek's broader project to respond to the increasingly fashionable view that the application of the methodology of the natural sciences to social phenomena, in the form of social planning by a team of experts, could in theory solve all problems of human organization. This conclusion was predicated on the assumption that the laws of human interaction were analogous to the laws of physics, which, once uncovered, would permit the engineering

tion (Boston: Little, Brown and Co., 1945), was written as a response to Hayek's book. The following quotation from chapter 2, entitled "The Reactionary Manifesto," will give some idea of how scurrilous Finer's essay is. He writes: "Here is a joy for all conservatives. In spite of the world's desperate travail to overthrow Hitler and Mussolini and what they stood for, many conservatives need the new joy because secretly they have just lost the old one.

"We now live in a world without Hitler. His removal has swept away the inhibition against open avowal of his doctrines of contempt for the majority and equality and popular sovereignty. There will be a babel of antidemocratic statements within a few months; murmurings can already be heard. For a time the bitterness of the reactionaries has been merely bridled, out of expediency, while the power and repute of the majority have been magnified, because it is the majority that fights world wars" (pp. 15–16). There follow another 212 pages containing a seemingly endless series of ad hominem assaults on Hayek's scholarship and motives in writing *The Road to Serfdom*. Despite the unscholarly nature of Finer's attack, his colleague at Chicago, Charles E. Merriam, in his review of Finer's essay, referred to it as "highly skilled" and to Hayek's book as "an over-rated work of little permanent value." (Review of Barbara Wootton, *Freedom Under Planning*, and Herman Finer, *The Road to Reaction*, in *American Political Science Review*, 60 [1946]: 133, 135.) It is interesting that almost three-quarters of a century after Finer's diatribe first saw print, this mediocre academic is remembered solely because of the malevolence of his condemnation of Hayek's essay.

⁵ *Hayek's Challenge: An Intellectual Biography of F. A. Hayek* (Chicago: University of Chicago Press, 2004), pp. 288–89.

of social relationships with the same predictability of outcome as obtained with respect to the physical world. To this view Hayek gave the name scientism.⁶ In addition to being subject to the classic arguments against reductionism, Hayek contended that scientism disregards the fundamental fact that coherent patterns in human affairs are often the result of the interaction of numerous individuals, none of whom sought to achieve the resulting overall end. Or, as Adam Ferguson noted two hundred years earlier, complex social arrangements, while indeed the product of the action of human beings, are not the result of any conscious plan.⁷

This insight into the nature of social organization, that the level of complexity of institutions put them beyond the ability of any one mind or group of minds to comprehend and design, pervades all of Hayek's social theory and plays a crucial role in shaping the political conclusions he draws in *The Constitution of Liberty*. What he attempts in this work is nothing less than laying bare the political machinery necessary for a free society, treated in both its historical and philosophical dimensions. This is a monumentally ambitious project and if, in the end, Hayek occasionally falters and slips, as he indeed does, these failures are more reflections of the complexity of his enterprise than of weaknesses in his reasoning.

At no point in his autobiographical writings does Hayek indicate when he originally conceived of writing *The Constitution of Liberty*. Caldwell suggests the possibility that Hayek intended it to serve as a response to a challenge laid down by the socialist economist H. D. Dickinson in 1940 that those who opposed a collectivist economic system and embraced free markets were incapable of offering a positive program that would "guarantee the ordinary man a reasonable security of livelihood and prevent the accumulation of wealth (and, what is still more important, the concentration of power over wealth) in the hands of a minority of the community."⁸ The central problem faced

⁶ F. A. Hayek, "Scientism and the Study of Society," *Economica*, n.s., 9 (1942): 267–91; n.s., 10 (1943): 34–63; n.s., 11 (1944): 27–39; reprinted in *The Counter-Revolution of Science: Studies on the Abuse of Reason* (2nd ed.; Indianapolis, IN: Liberty Fund, 1979), pp. 19–363, and *Studies on the Abuse and Decline of Reason*, *Collected Works* edition, pp. 75–166.

⁷ As Ferguson put it in 1767: "The establishments of men, like those of every animal, are suggested by nature. . . . [They] arose from successive improvements that were made, without any sense of their general effect; and they bring human affairs to a state of complication, which the greatest reach of capacity with which human nature was ever adorned, could not have projected." *Essay on the History of Civil Society*, Fania Oz-Salzberger, ed. (new ed.; Cambridge: Cambridge University Press, 1996), p. 174.

⁸ H. D. Dickinson, "Book Review: *Freedom and the Economic System*," *Economica*, n.s., 7 (November 1940): 437. In the year prior to writing this review of Hayek's essay, Dickinson had published *The Economics of Socialism* (Oxford: Oxford University Press, 1939), in which he argued that socialist economies were quite capable of replicating the economic calculations that are required to establish a price system.

by proponents of an economic system based on private property wherein the “ballot of the market” prevails, Dickinson maintains, “involves not only outrageous plural voting, but also the wholesale intimidation of the smaller voters by a few great pluralists.”⁹ It is a tribute to Dickinson’s obtuseness, and to those who shared his sympathies, that they appeared oblivious to how these problems would be avoided in an economy where all decisions concerning the production and distribution of wealth would be centralized in the hands of a few bureaucrats acting under the direction of a central committee. In addition, as Hayek was keenly aware, there is something distastefully naïve in the view that political power is invariably more benign than is economic power.

Despite the problems implied by Dickinson’s collectivist alternative, Hayek was determined to reply to the critics who claimed that a free market economy would, if left unchecked, turn the great majority of the population into helots, forced to act at the mercy of a few plutocrats. Caldwell notes that Hayek’s interests in political and social theory were part of a broader concern with a larger enterprise that Hayek came to refer to as the Abuse of Reason project. While never completed, the project served to direct him into investigating new areas of thought.¹⁰

R. M. Hartwell, a close friend of Hayek’s and one of Great Britain’s leading economic historians, records, in his history of the Mont Pèlerin Society, that by the time the Society was founded in 1947, Hayek had already “moved towards the writing of *The Constitution of Liberty*.”¹¹ And in his autobiographical notes Hayek recounts that the structure of the work occurred to him during a car trip through southern Europe that he and his wife made in 1954–55. During that fall and winter, the Hayeks had the opportunity to motor through France, Italy, and Greece following the route taken by John Stuart Mill one hundred years earlier.¹² The book had its genesis, according to Hayek’s biographer, in early 1953; in November of that year Hayek wrote to the economist Fritz Machlup that he was “beginning to have definite plans for that positive complement to *The Road to Serfdom* which people have so long [been] asking me to do.”¹³ While touring southern Europe, he had taken this occasion to make a side trip to Cairo to deliver the Commemoration Lectures at the Na-

⁹ Dickinson, “Book Review,” p. 436.

¹⁰ Caldwell, *Hayek’s Challenge*, p. 181.

¹¹ R. M. Hartwell, *The History of the Mont Pèlerin Society* (Indianapolis, IN: Liberty Fund, 1995): p. 16.

¹² F. A. Hayek, *Hayek on Hayek: An Autobiographical Dialogue*, Stephen Kresge and Leif Wenar, eds. (Chicago: University of Chicago Press, 1994), pp. 129–30.

¹³ Quoted in Ebenstein, *Hayek’s Journey: The Mind of Friedrich Hayek* (New York: Palgrave Macmillan, 2003), pp. 141–42. “The work that eventually would become *The Constitution of Liberty* would be titled, Hayek wrote in the 1953 letter to Machlup, ‘Greater than Man: The Creative Powers of a Free Civilization.’ It would be composed of parts titled ‘The Role of Reason,’ ‘The Role of Morals,’ ‘The Role of Force,’ and ‘The Role of Material Resources.’”