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Samuel Johnson mused on the dilemma of what he described as the 'danger of unbounded liberty and the danger of bounding' which had challenged, he said, 'the science of government which human understanding seems hitherto unable to solve'.

John Stuart Mill had a simpler view (albeit one which he modified and qualified at a later date) that 'the only purpose for which power can be rightly exercised over any member of a civilised society against his will is to prevent harm to others. His own good, either moral or physical, is not sufficient warrant'.

Jump to 2010 and we find the immigration minister, Damian Green, stating in the House of Commons that 'the libertarians are in the ascendance in the Conservative Party today' (June 9th 2010). Put this alongside the hyperbole of the Deputy Prime Minister, Nick Clegg, and the extraordinary language used by the Home Secretary in introducing new legislation in the Commons last week (which I will come to later), and from the 17th Century to the present day a picture is painted of the struggle to try and balance the pressures of modernity against the desire for civil liberty.

The present Conservative-Lib Dem coalition is committed to a smaller state and to less 'interference' in the lives of citizens but they, like governments before them, display inherent contradictions. David Cameron and Iain Duncan Smith are worried about 'Broken Britain'. They want to develop what the government describe as 'the nudge' approach - something more like 'Big Granny' than 'Big Brother': gentler and feebler but, equally, more concerned with our moral well being!

'Life, liberty and the pursuit of happiness' is how Thomas Jefferson described a functioning society. In the modern world this might translate as 'security, freedom and well-being'. Government clearly sees its role as contributing to all three but claim that they have moved the pendulum away from security and well-being towards freedom. This is of course dependent on a view of the world which fears government more than the disintegration of stability and order. The struggle which, of course, philosophers have agonised over for centuries.

However, when looking at the detail of those changes already announced and legislation proposed, we find a slightly different story to the rhetoric. This might be accounted for by the fact that those most likely to be acquainted with 'nanny' from their early days, fear nanny the most!

But as we saw in the Netherlands at the beginning of this century and to a lesser extent in Denmark, or even in Sweden where a very high number of far right candidates were elected to Parliament last year, unbridled liberty leads to its own inevitable reaction. This was equally true in the Weimar Republic where, in the early 1930s, Berlin is vividly described as Sodom and Gomorrah. So too in the shambles of the anarchy in Spain where Franco was sadly welcomed by too many not simply as a force for providing stability, but a relief from 'unbounded liberty'.

We are, of course, a very long way from such a situation of a libertarian free-fall. There is an acceptance that we need boundaries and that government has a part to play in more than simply freeing people to do whatever they like to whomever they like.

The struggle within the coalition between two completely different versions of 'libertarianism' still goes on beneath the surface in terms of preaching one thing about the role of government whilst practising entirely another: 'We wish to leave you alone' but 'actually we wish you to read exactly what we read, learn as we learned, and think as we think'!

Alain de Botton reflects cleverly on the problem for the libertarians. He pokes fun at the fact that they know that restraints are needed, that security and stability are a vital prerequisite to any civilised society (big or small), and that we therefore sometimes welcome the restraints which only a government in a modern urban setting can actually provide.

But at the moment, we do not distinguish between 'freedom from' and 'freedom to' – both here in the UK and in viewing world events. These two need to be in balance - people across the world wish to free themselves from tyranny and we wish to help them, but we often end up grandstanding. For the 'freedom to' is about creating functioning societies, strong against the tyranny of others, secure within a framework of proper governance.

As Sir John Major rightly described in reflecting on the situation in Africa, we should talk about how we could help create 'functioning states' and assist in offering models which are acceptable within the necessity of having forms of government different to our own. It is a pity for instance, that we (those preaching from Europe and North America) have not done more to provide help and support in countries such as Somalia - and that is why we should always question ourselves, our motives and what we do.

Here in Britain it is right for us to debate how we can maintain privacy and freedom both from the state and within the state. It is right for us to question the steps we take lest the example we offer be turned against us by those we preach to on liberty, privacy and the maintenance of security without oppression.

Balancing security with civil and human rights and mutual protection with the privacy of the individual in order to ensure that we feel free and can exercise freedoms whilst avoiding those very freedoms being exploited, is a difficult and sometimes impossible task. That is why we should stop the tendency to 'cry wolf' - the hyperbole that attempts to persuade us that past governments were 'oppressive', and that somehow others in our country are less concerned with liberty and privacy than the incumbents in ministerial office. This is equally true of those who are paid to, and whose role in life is about the promotion of 'freedom from' - the organisation Liberty for example.

As was the case with identity cards and second generation biometrics, there is a danger not only of painting a false picture, but promoting a false dawn in terms of using measures to abolish a self-described evil only to find that the bars on the cell window were actually made of candy floss.

Earlier I mentioned the language of the current Home Secretary, Theresa May, in introducing the so-called 'Protection of Freedoms Bill' in the House of Commons on March 1st. This legislation should of course be judged on its merits. There are good and bad aspects of the tidying up operation, and worrying aspects in terms of failing to understand the role of DNA evidence in providing freedom and protection to victims of crime on the one hand, and the importance of care in protecting children and vulnerable adults via criminal checks on the other.

Part 2, which regulates surveillance and the use of CCTV, is neither a massive step forward for privacy and civil liberties nor a threat to withdrawing a protection demanded by very large swathes of our population.

If the commissioner to be imposed upon us can ensure that we have boundaries for the use of either cameras or recording conversations, which would confine surveillance to public space where good policing would in any case pick up wrong-doing, then who could object? Equally, the Regulation of Investigatory Powers Act requires review following highly publicised and silly intrusions into personal privacy following minor amendments made in good faith back in 2006 (I am on record as saying so two years ago in the Annual Essex University Law Lecture).

Part 4 relating to counter terrorism, is only a precursor to consultation on broader measures announced several times by the present coalition. Again, we should judge measures on their merits, but changing the names, slightly altering the approach and in some cases, downright stupidity in misunderstanding how potential terrorists operate, requires the 'nudge' of Parliament in swinging the pendulum back a little towards a sense realism. Not least in such an unstable and uncertain international environment (which we are experiencing at the present time).

So, were we 'too casual with civil liberties' from 2001 onwards (to coin a phrase from the Leader of my Party)? I think not. After all it was that government and those ministers who introduced the Freedom of Information Act, the Data Protection Act and, yes, the Human Rights Act. The result? More openness and transparency, more scrutiny (both within the Parliamentary process and by the media), and a greater cut and thrust about these important issues of proportionality and balance than we've seen for many decades. And of course, greater self-empowerment by the courts!

This latter example is an interesting case in point - the contradictions abound. In speaking over recent weeks about the role of the judiciary and the Strasbourg court, David Cameron and Theresa May's demands that democratic processes should trump judicial oversight are reminiscent of previous Home Secretaries! From prisoners having the vote to the rights of immigrants, and from paedophiles to conjugal rights, the individual rights torment our 'nudge' society and our instinct towards not simply popularism, but to 'the will of the majority'.

But actually most of the time our checks and balances nudge along very well. After all, it was the former Lord Chief Justice, Lord Harry Woolf, who in debating the critical nature of security versus the privacy and freedoms of the individual in 2002, quite rightly commented that the Human Rights Act was 'never intended to be a suicide pact'.

However, we do need to resolve precisely the legitimate role of our courts in areas where Parliament has already debated thoroughly and resolved on a particular aspect of the balance between personal privacy and liberty on the one hand, and public policy, protection and acceptable behaviour on the other.

This is particularly important in relation to the Strasbourg Court which, although theoretically overseen by the Council of Europe, is in effect unaccountable and, as the former Law Lord, Lord Hoffman has pointed out, is ruling on issues well beyond the original intention of establishing a European Court of Appeal. When, for instance, Max Mosley chooses to use the Strasbourg Court on an issue of protecting personal privacy against the intrusion of the British media, we have surely come full circle?

However, and this is a paradox, it is a failure of our own Parliament to face up to and reach a sensible accord with our media, that lies at the heart of intrusion by private enterprise into the private lives of citizens. I am certainly one public figure who understands all too well what it's like to be under surveillance, to have my privacy intruded upon, and to reflect that voyeurism is the oldest sport of all!

It is here in this private sphere (as opposed to regulated, monitored and overseen government involvement in our own private sphere) that we should worry the most. It is not that the press should not be free to investigate, to highlight

hypocrisy, illegality, indolence or fingers in the till. It is a question of 'are we better off for knowing more'? 'Are we worse for CCTV telling us more'? Not because the ends justify the means, but because the means have to be justified. Simply pronouncing that a free press equals a free society is too simplistic and too dangerous.

Justification for phone hacking (in the early stages of the debate about the activities of some journalists) was astonishingly paraded in both the broadcast and print media as 'well this has always gone on and in any case, the law isn't clear!' We don't hear quite so much of this now, but the way the police handled the original incidents (and the demands for transparency) reflected this slap-happy view about our own right to privacy and to protect our means of communication in private with each other!

Which brings me to what we, the citizenry, are doing with our own privacy!

What, for instance, are the implications of the overwhelming tendency of young people to put the whole of their lives on Facebook? What about (albeit in 140 characters) what people say about themselves and what they are doing on Twitter? As noted last year, even those living with spooks (the wife of the current head of MI6) forgot that pictures on Facebook become pictures around the world!

So, whilst government agonises over the balance of necessity of data collection versus the imperative for privacy, we as a populace are happily going around posting the most intimate details of private relationships and activity for all and sundry to see.

It is this area of cyber space that is the source for growing e-crime – demonstrated by recent Cabinet Office research estimating it to result in a £27billion hit on individuals, businesses and government in terms of identity fraud and cyber scams. That is why I've been concerned about the importance of protecting, owning and being able to determine identity. In retrospect, it would have been better if a lot earlier I'd have realised that universal passports with second generation biometrics would have taken the steam out of the identity card debate.

Indeed, the BBC assisted me in demonstrating just how vulnerable we are. In trying to make a point, they managed to steal my identity and obtain a driving license for me from the DVLA. For the sake of the world and the protection of others - as well as my own safety and wellbeing - I have chosen not to use it! But I illustrate this to make a point. In the past you needed physical intrusion to hear or see and therefore invade the privacy of others. Today our identity can be stolen, our privacy invaded and our personal space intruded upon, by whoever has the means to do so. That is why it is prudent to constantly re-evaluate who is intruding on whom, and for what purpose. Both the individual and democratic organs of government have an obligation to join together in protecting the rights of all of us to that privacy.

Government have yet to clarify their own stance in relation to the debate about retention and sharing of data in a number of areas of our lives. Theresa May was somewhat thrown on March 1st when I asked her in the Commons to reflect on one of my constituents who believed that the retention and use of data collected through the census form will be an infringement of his privacy and private life. She did of course say what I would have said (except I would not have been contradicting myself at the time), that this was necessary for government purpose. In other words, it was beneficial to society as a whole. Precisely!

But it is necessary to question issues in this area: on data retention and by whom? On data sharing and with whom? On how to deal with hacking (by the media on individuals or for espionage purposes with businesses and governments) - formerly known as burglary! And, of course, (as indicated earlier) proper oversight of surveillance.

But here is the rub. Whilst the public pressure (public in the sense of the media, the chatteringati and the political elite) is in one direction, the subliminal pressures are all in the other. For instance, the inquiry into the tragedy of July 7th 2005 is all about why there wasn't greater surveillance and action by the security and policing services. People clearly want answers not about whether there was too much intrusion, too many cameras, too much surveillance of individuals involved, but the very opposite. That is why swinging the pendulum too far one way or the other puts us at risk either in terms of our liberties and privacy, or of our life and our liberty.

In this entirely changed world, distant not just in centuries but in context from Rousseau and Mills, it is important to reflect on their philosophical musings but to live in the world of today - with the safeguards required and in the reflection of the uncertainties surrounding us. Learning from the history of the 20th Century about the totalitarian state is an important reminder and re-enforcer of vigilance in what we do and why we do it in terms of public policy. But it is also important to observe the changes that have occurred since the Second World War and which are reflected in the upheavals and uncertainties in Africa and the Middle East today.

As Abraham Lincoln famously reflected, 'the dogmas of the quiet past are inadequate to the stormy present. As our case is new so we must think a new and act anew'. Quite simply, if we tolerate the intolerable, the intolerable becomes the norm. It is therefore necessary that we reflect sensibly and rationally on this from all sides of the debate. The danger of not just taking the wrong action with the right intentions but actually having contradictory policies passing through Parliament in three different Bills (which we have at the moment), is illustrative of how muddled thinking can turn out to be muddled legislation. The Bill I referred to earlier in terms of Protection of Freedoms, the

Policing and Localism Bills, have three different approaches to intrusion in or confiscation of property, the rights of local authorities vis-a-vis individuals and businesses and the role of the police and environmental health services!

But in conclusion, I want to draw on the example of what is happening in the world today with the demand for freedom, democracy, and protection from totalitarianism on our screens and in our newspapers.

It is just at this moment that here in the West we should be most vigilant in relation to that most important freedom of all: the protection of the lives of our people. For if there was ever a moment when it was likely that those seeking to destroy our democratic way of life would take advantage of global uncertainties, potential turmoil and disfunctionality (the refugees and the breakdown of order which is all too clear to see), it is surely now?

At this moment, as we seek to support, to applaud and to assist from a distance, those brave people seeking the balance of security and freedoms, we should be debating in this country what the implications might be for our own public protection policies. We also need to increase our own alertness and awareness of the dangers. At a time when fringe groups from the Irish Republican Movement are drawing away the resources of our security services, and when politicians are concentrating on the global political situation, those who wish us ill are at their most dangerous.

That is why getting the balance right, ensuring that security and freedom are demonstrably proportionate in our country and through our public policy in protecting our privacy whilst maintaining our safety is so vital. Respecting each other's views, seeking proportionality in our language as well as in the measures we take, and learning from the lessons of history, distinguish mature politics from petty point scoring. Nothing can be more important to our well-being than this.