SOCIETY FOR INDIVIDUAL FREEDOM

The Individual

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WE ARE NOT CHILDREN!

We are grateful to Robert Henderson for his recent work on Freedom of Information issues. Having been involved myself in a modest way in similar work—submissions to government consultation processes—for the Campaign Against Censorship, I know what hard work this can be.

As the SIF and its contributors have said many times over the years, except in the case of matters *genuinely* concerning national security, there is little or no excuse for "official secrets". In truth, they mainly serve to hide the incompetence and outright mendacity of officialdom plus act as a reminder of, even in the best of times, that same officialdom's patronising contempt for "ordinary people".

In his recent talk to the Libertarian Alliance (see below), Professor David Myddelton, the chairman of the SIF's National Council, reminded the audience of the full context of the notorious "the gentleman in Whitehall knows best" quotation. It was written by Douglas (later Lord) Jay in his 1937 book *The Socialist Case*. It ran,

> *"... housewives as a whole cannot be trusted to buy all the right things, where nutrition and health are concerned. This is really no more than an extension of the principle according to which the housewife herself would not trust a child of four to select the week's purchases. For in the case of nutrition and health, just as in the case of education, the gentleman in Whitehall really does know better what is good for people than the people know themselves."*

And that, as Professor Myddelton pointed out, is exactly how we're *all* viewed by "the state": *as children*.

The articles in this issue of *The Individual* by Ziggy Encaoua and Richard Garner complement each other. Both speak of individualistic, self-help and charitable approaches towards welfare rather than the nannying and very expensive statism

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Edited by Nigel Meek and published by the Society for Individual Freedom. Contact details can be found on the back page.

Inside this issue:

CONTRARIAN THOUGHTS FROM A DISABLED LIBERTARIAN: NOT ALL DISABLED PEOPLE WANT SOCIALISM

Ziggy Encaoua

Against the Grain

I am a disabled person. I've written many times about being disabled but never exclusively about why being disabled has made me an advocate for smaller government. Some think that if you're disabled then you must be an advocate for socialistic government. I believe differently. My views have evolved from a combination of my own experiences as a disabled person and the treatment of disabled people in society. Quite simply, I've come to believe that socialistic government is actually damaging the cause and prospects of disabled people.

I believe that socialistic government helps to foster an attitude in society that there will always be a social worker or an institution to care for the disabled, and so why should any *individual* care so long as it's someone else's job. This has led to an even worse notion that being a social worker or social carer isn't just a job of caring for the welfare of somebody who's disabled, but that it's the job of a social worker to be a friend. It's the sad truth that some people think that it's the job of a social worker to be a friend to somebody who's disabled, and it's because of the state. This should come as no surprise. It is most often expressed by liberals and leftists because liberals and leftists don't think that *they* should care but that the *state* should care.

"... they're paid to care about people and they clock off at the end of the shift just like any other worker."

I saw an example of this in the transgendered community when no transsexual would be friends with or otherwise help a disabled person with gender dysphoria because they thought that it was a job for a social worker, even though no social worker would have the expertise to help a disabled person with gender dysphoria.

Social Work: Just Another Job

There's something of a misconception about social workers. It's the belief that social workers really care about people. Not so. The truth is that they're paid to care about people and they clock off at the end of the shift just like any other worker. Social work is just like any other job such as being bank clerk. You don't expect to be served at the bank five minutes after the banks close. So, no social worker or social carer is going to feel that they should be expected to care about their clients when they clock off nor in my opinion should they be expected to have a duty of care once they clock off. Plus, social workers have professional boundaries which are set to protect both social worker and client. This prevents them from having anything other then a professional relationship with their client, otherwise they'll be reprimanded. Friendships are fluid, so it's odd why any liberal or leftist expects a social worker to develop friendships since friendships can't flourish within the boundaries of a professional relationship.

I recognise that social workers are probably better off than other workers in setting boundaries to their professional relationships. But as well as professional relationships social workers often obsess about their remits. If a client asks for help outside what a social worker judges to be their remit then that client is out of luck even though it's not harming anybody. For instance, there have been examples of social carers refusing to book prostitutes for their clients even though paying for sex is the choice of their client. It's not like anybody is expecting a social worker or social carer to provide the "service" themselves! Perhaps the social carer should realise that maybe because the client is so disabled then the only way they're going to get sexual relief is by paying for sex.

Another incident I know of is a disabled person who asked their social worker if they could help them become a professional dominatrix. This person wasn't too disabled but did needed help doing various things an able bodied person would take for granted. However, with a little help they could have earned a living from being a dominatrix. This person happened to be on welfare, but rather then helping them accomplish something they found enjoyable and which would earn them a decent living the social worker suggested that they needed therapy. This is because social workers "know best" what help the client

needs and never mind what the client's wishes happen to be.

Turkeys Do Not Vote for Christmas

But the bigger problem with social workers is they need people to be messed up because the more messed up people that there are then the more social workers can justify their jobs.

I found this out when I used to be involved in a charity for people who had mental health problems. The purpose of the charity originally was to rehabilitate people to help to get them into education and employment—the usual "become a useful member of society" stuff. But the problem was that the more people got into education or employment then the fewer the numbers of people the charity got funding for. This was because the charity relied upon government funding and the government didn't measure funding by how many people the charity helped to rehabilitate but by the number of people who were on their books. The more people the charity had, the more funding there was. And the social workers who worked there looked out for their job prospects. So instead of helping people get ahead and become useful members of society they decided generally to spoon feed them and wipe their backsides.

"… the more people got into education or employment then the fewer the numbers of people the charity got funding for."

Sadly, the majority of people who this charity dealt with lapped it up and those who said it was patronising where hounded. Not all the paid workers went along with the party line. There was one worker in particular who, rather then patronise any person with talent, would say to them "stop worrying about your weaknesses and start thinking about your strengths". This worker, however, was "encouraged" to move on. Later on there was a volunteer worker who was prevented from getting too involved in helping individuals. I have a lot of respect for individuals who, out of the goodness of their heart, give up their time and volunteer to help those less fortunate. However when this individual did more than what was usually required the social workers in charge of this charity put a stop to it because it made the paid workers look bad.

I wonder if I'm the only one who reckons there's something very wrong in charities that deal with the disabled and mentally ill being paid on the number of how many people there are on their books rather than on the basis on how many people they manage to rehabilitate? I'm not the only one who knows this goes on but not enough of the taxpaying public knows this. I'm sure that if they did they'd be asking far more questions about the relationship between state funding and disability charities. This is why I don't believe that the state should be funding charities and that instead charities need to rely solely on private funding. If this was the case then charities would aim to carry out far more constructive programmes because people aren't going to fund social workers to keep people ill or messed up just to justify their job.


Ziggy Encaoua

The government has recently announced reforms to disability welfare. Now it's not going to be about what disabled people *can't* do, rather its going to be what they *can* do. But ironically it's not disabled people whom are alarmed by this new policy but social workers who the government will get to implement these reforms.

However, even with the government taking this new approach many disabled people are still unemployable through no fault of their own. It's previous governmental policy which has conditioned them since it used to be the policy to send disabled and mentally ill people to residential education and care institutes.

I was a product of this policy. I was put in an institution when I was seven and left when I was 18. I spent the next three years in and out of hospital suffering from depression because I couldn't cope out in the real world. I didn't have a clue because I'd been cut off from society and this leads to problems about interacting with the wider world. What people learn from a normal upbringing is missing in anybody put in an institution at an early age. I was lucky and I managed eventually to overcome this institutional conditioning and forge a life for myself. However, there are those who are less fortunate and they can find themselves isolated and in the care of social workers.

Only Individuals Can Really Care

Some say I've romanticised a view that if government didn't tend to the disabled then people would be more charitable. Well, it's not a romanticised view. It's a logical one that if there wasn't the idea that it's the government's job to look after disabled people then I believe

"… disabled people need to help themselves far more and not expect the state to aid them."

that people *as individuals* would be more willing to help.

But disabled people need to help themselves far more and not expect the state to aid them. This is not a popular opinion with the disabled and mentally ill. In fact, some have labelled me a fascist! I'm no fascist, I just believe in self-empowerment and I believe that everybody has a talent for something. I also believe that there are people willing to care about the disabled other then some government-employed social worker. But I also believe that nobody is going to care about anybody, disabled or not, who wallows in self pity.

It's the belief that somewhere there is a government employed social worker "to look after things" that prevents *individuals* from *genuinely* caring. Yes, as usual, it's the government which is the problem!

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Ziggy Encaoua was born in 1974 in KwaZulu-Natal, South Africa, but now lives in Surrey. His own website is at www.encaoua.net.

The death of British democracy...

"The truth, the harsh, unvarnished truth is that there is no point to the House of Commons or to MPs. Let us go through it systematically. The House of Commons is supposed to legislate and hold the Executive to account. It never does the latter. The only body within the British constitutional structure that still does it to an extent is the unpaid House of Lords and, with the help of the House of Commons, it has been emasculated and is to be destroyed completely.

Legislation no longer happens in the Commons. Between seventy and eighty per cent of it comes from Brussels, often bypassing Parliament completely. Even if it does hit Parliament, it cannot be rejected. Scrutiny, even if there were time to do it thoroughly, without the right of rejection or amendment is not legislation. It is akin to rearranging those famous deckchairs on the Titanic.

A good deal of the legislation both European and domestic, often intermingled, is produced by quangos, who are also responsible for implementing laws and rules. A good deal of the legislation that does go through Parliament is nothing more than the implementation of rules created by tranzis [trans-nationalists], starting with the UN and its many off-shoots.

In other words, MPs have abandoned all their duties and, while most people probably do not know the details of the EU or suchlike matters, there is a widespread if unfocused understanding that there is no point in voting as that changes nothing. This is not because they are all the same, though that is true as well, but because they, the politicians, are not in a position to change anything and when they tell us otherwise, they are lying on a scale no politician has lied before...

The other side of the coin is that in the little that has been left to the politicians to deal with, they micromanage. No part of our lives is safe from their grubby little fingers: not education, not behaviour, not whether we need plastic carrier bags or not."

Dr Helen Szamuely, EU Referendum blog, www.eureferendum.blogspot.com, 1st March 2008.

THE *FREEDOM OF INFORMATION ACT* TWO YEARS ON

Robert Henderson

Don't Look a Gift-horse in the Mouth

The *Freedom of Information Act* (*FOIA*) came into force on January 1st 2005. How has it performed? Like the curate's egg, good in parts. Material is often being withheld and the delay in going through the appeals process is excessive. However, it is also true that much useful and important information is being unearthed which would never have seen the light of day before the *Act* existed. It is demonstrably a valuable tool against the secrecy, incompetence and wilful misbehaviour of officialdom. That is not to say it could not be improved considerably, but it would be unwise to look a gift-horse in the mouth. Before you had nothing; now you have something.

"Like the curate's egg, good in parts."

Two attempts to restrict access to information have been seen off, at least for the moment. The Government has dropped its proposals to (1) include time taken to consider whether information should be released in the calculation of the cost of answering a request and (2) restrictions on the number of requests which might be made by any one person, while an attempt by a Tory backbencher David Maclean to exempt MPs' correspondence from the *Act* has so far foundered in its course through Parliament. Do not bet against either coming to life again.

There is a possibility of the scope of the *Act* being extended. The Government conducted a public consultation on the matter which closed on February 1 2008 (see the final section "The extension of the *Act*"). The Government's decision on what is to be done is still some way off.

My Experiences of using the *Act*

I have made approximately a couple of dozen requests on a wide variety of subjects. These have resulted in two unambiguous successes. In the first instance, I obtained information which proved that a Department of Culture, Media and Sport (DCMS) initiative to provide official English Icons was fixed to ensure that politically correct items were included. When the first publicly nominated Icons were selected, the DCMS announced (*Daily Telegraph*, 28th April 2006) that the Notting Hill Carnival and Brick Lane had been included as English icons because they were each "one of the 21 most voted for icons suggested by the public since the website was set up in January".

The DCMS response to my FOI request showed that the Notting Hill Carnival was chosen despite 84.5% of the public voting NO [it is not an English Icon]. Brick Lane was chosen with a mere 20 people taking part in the vote.

The second instance involved the BBC. My FOI request forced them to admit that the BBC operates a system of surreptitious censorship on phone-in programmes. The censorship is achieved as follows. The BBC decides someone shall not be allowed on air at any time because they are either making "nuisance calls" or being abusive. The person is not told that they have been blacklisted and when they ring the phone rings but the BBC operator refuses to answer the phone. Here is part of the BBC's admission extracted from their letter to me of 19th October 2007:

> *"The BBC has a number of telephone systems in place which have different functions available depending on the particular BBC department's operational need. Authorisation of the particular system would be approved by the appropriate senior manager based on the department's assessed need."*
>
> *"For example, Radio 5's telephone system has a function which allows them to place a warning or banned flag on a particular number. This will only occur if the phone operator gets abuse or a nuisance call from a person using the specific telephone number. In future, if that number calls in a symbol will appear on the screen to alert the operator to the warning or banned flag and the operator will then choose to not answer the phone call."*

> *"The BBC is unable to provide you with figures for how often the BBC's telephone systems have been used to ban callers, or who authorised each telephone system. As noted above, each department within the BBC will have its own telephone system set up with different functions. We estimate that to audit the telephone systems of each department would take more than two and a half days to complete. Under section 12 of the* Act, *we are allowed to refuse to handle the request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25)."*
>
> *"However, we are able to confirm that there are currently 239 people on Radio 5's banned or warning list."*

Those were the undoubted successes, although even in those cases I did not get all the information I requested. I was unable to get the full voting figures on all proposed English Icons (there were many hundreds) because the company set up by the DCMS, Icons Online, did not fall within the scope of the *Act* and the DCMS claimed Icons Online did not supply them with voting figures for any proposed Icons other than those which became official English Icons. They further claimed that they had no obligation to seek them from Icons Online. The BBC refused to give the numbers of people blacklisted by departments other than R5 on the grounds of cost. As they admitted to 239 people for R5 alone, it is probable that the numbers banned by the BBC as a whole run into many thousands.

"The BBC refused to give the numbers of people blacklisted by departments ... it is probable that the numbers banned by the BBC ... run into many thousands."

Exemptions and Refusals

My other requests show up the limitations of the *Act*. These limitations fall into five categories: claims of exemptions under the *FOIA*; claims that the data sought is not held; claims that the obtaining of the material would exceed the cost limits (£600 for central government and £450 for local government); organisations which would seem to be cast iron candidates for being within the scope of the *Act* being excluded from the Act; and attempts to shift requests from the FOI to the Environment Information Regulations.

The most frequent refusals I have encountered are claims of exemption from disclosure under section 35 (formulation of government policy, etc), section 41 (information provided in confidence) and section 43 (commercial interests) of the *Act*.

Section 41 is intended to be an absolute bar to disclosure. However, Maurice Frankel of the Campaign for Freedom of Information (CFOI) has recently written to me on the subject as follows:

> *"The section 41 exemption, for information whose disclosure would be an actionable breach of confidence, is not subject to the public interest test in section 2 of the* Act. *However, the common law of confidentiality itself incorporates a very similar public interest test. So in practice, the kinds of public interest argument that could be made under other exemptions can also be made in relation to section 41."*

Sections 35 and 43 are not absolute bars but are meant to be tested against the public interest. The problem with this is there is no means of quantifying either the merits of keeping government discussions and commercial interests private or the public interest. Because it is a matter of opinion, data holders using these exemptions in my experience always baldly assert that in their judgement the public interest is outweighed by the other considerations. As the person making the request has no access to the information being withheld, it is difficult for them to argue that the public interest trumps the other considerations because the data being withheld is not of a nature to withstand the request for disclosure (it is worth remembering that public bodies are remarkably secretive about everything). All the requester can do if he or she appeals is point to their assessment of the public interest in the case.

The cost limits are frequently used in an attempt to derail a request. The limits are absolute. If they are exceeded it is not a question of the requester having the option to pay anything above the limit, but of the entire request being rejected. The only option to get any information rapidly then is to narrow the request.

Proving a data holder's estimate of the cost is

too high is problematical, because the person making the request does not know the data holder's system. However, there are ways to attack such estimated costs. The labour involved in obtaining the information is calculated at £25 an hour. That gives 24 hours work for requests to central government and 18 hours for local government before the cost limits are exceeded. There are few requests which would exceed several days work. It is always worth challenging the data holder to give a detailed explanation of why the work would take longer. Even if they fail to provide this, the refusal will provide evidence against the refusal if you appeal against the decision.

The most suspicious example of a claim that data was not held I have encountered concerned the Home Office. I requested the conviction statistics on murder, manslaughter, GBH and rape by race. The Home Office claimed that they did not hold national statistics. They did supply statistics for some regions but these contained a very large proportion of "race not known" culprits. It is very difficult to believe that a government so obsessed with collecting racially based statistics do not collect them on major crimes, even if that is done only to track whether ethnic minorities are being discriminated against. However, it is next to impossible to prove they do hold full details and the Information Commissioner (IC) is unlikely to support an appeal unless it can be shown that the information does exist.

"The value of refusals to release information should also not be ignored. There is considerable propaganda value in being able to paint a public body as hiding something."

There are many bodies which would seem to be certainties to be within the scope of the *Act* which are excluded. The section below on the extension of the scope of the *Act* deals with this problem in detail. Icons Online, which I mentioned previously, is a classic example, being an organisation set up by a government department, with a departmental remit, fully funded by the department and with a departmental employee on the advisory board.

On one occasion, I encountered an attempt to switch a FOI request to the Environmental Information Regulations (EIR). This happened when I made a request to Camden Council for information relating to the proposed building of a medical research centre on land behind the British Library. The information I was requesting manifestly did not fall within the scope of the EIR, it being concerned with political discussions about what the land should be used for not environmental issues. A switch to the EIR would have potentially allowed the Council to charge for supplying information, something the *FOIA* does not allow. Introducing the prospect of a charge could be seen as a means of dissuading the requester from proceeding. When I challenged the attempt, Camden did not back down as such but came up with a "solution": they would supply the material under both the *FOIA* and the EIR. This meant that nothing should be charged because there are Government guidelines which say requests which could fall under either the *FOIA* or the EIR should not attract a charge. This was bending the rules because my request indubitably did not fall under the EIR.

Successes

Although I have met a good deal of obstruction, it is surprising what information is released. Even where material is contentious there is a reasonable chance that something valuable will be released, not least because those assessing and collecting the material may not realise its significance or will fail to understand what can be legitimately withheld under the *Act*. I have yet to deal with an FOI officer who really understands the *Act*. In some cases, the ignorance is very basic. One FOI request to the DCMS resulted in a refusal on the grounds of exceeding the cost limits. The officer dealing with the request made the elementary mistake of including consideration time in the calculation.

The sheer weight of FOI requests to larger public bodies such as government departments can also work in the applicant's favour. Public servants are human (honest!) and pressure of work is likely to make them less careful than they would otherwise be.

In the Camden case described above, my request produced, amongst other interesting things, a document which stated that the question of which purchaser was to be allowed to buy the site (the seller was the DCMS) had gone via Gordon Brown, something the DCMS had denied when I put in an FOI request to them about the sale of the site.

The value of refusals to release information should also not be ignored. There is considerable propaganda value in being able to paint a public body as hiding something. It is also a fair bet that where a request deals with a politically contentious matter the refusal is because there is some very politically embarrassing material to be had.

The Appeal Process

This is in two parts. If the data holder has an internal appeal process—and the vast majority do—then you must make an appeal to them first. Unless there are exceptional circumstances, only after they have rejected your appeal can you appeal to the IC (an example of an exceptional circumstance would be that the data holder has not responded to your appeal within a reasonable period.).

I have made half a dozen appeals to internal review boards and not one has been upheld. The experience of other people I know is much the same. The internal appeal is probably best viewed as simply a charade to be undergone to qualify for an appeal to the IC.

Appealing to the IC is a labour of love. Appeals take between one and two years according to Maurice Frankel. Data holders know this, and it is reasonable to assume that often a refusal to supply information is done cynically in the hope that the person making the request will either not have the stamina to carry an appeal through or that even if an appeal is made and upheld by the IC, the information will be out-of-date by the time it is supplied and consequently less likely to cause difficulty for the data holder. This is a question which is particularly pertinent when considering requests made by the media who will often drop a story if the information is not quickly available.

"… it is reasonable to assume that often a refusal to supply information is done cynically in the hope that the person making the request will ... not have the stamina to carry an appeal through…"

I have made five appeals to the IC to date. Only one has been adjudicated so far. That was an appeal against the refusal of Icons Online to release data. The IC ruled that they did not come within the scope of the Act even though, as previously mentioned, they are entirely a creature of the DCMS.

The Extension of the Act and a Submission on Behalf of the SIF

The government is considering extending the *Act* to include bodies which are not formally part of public administration (the details of the proposals can be seen on the Ministry of Justice website— www.justice.gov.uk—'Freedom of Information Act 2000: Designation of additional public authorities', Consultation Paper CP 27/07). The Government's consultation paper calls for interested parties to make submissions. I have made the following submission on behalf of the SIF to the questionnaire contained within the consultation paper:

Q1: Do you support extending the coverage of the FOI Act *to organisations that carry out functions of a public nature and to contractors who provide services to a public authority whose provision is a function of that public authority?*

In principle, the Society favours the widest possible extension of the *Act*, because a government can be best held to account when the information available to the public is most complete. However, we recognise the practical difficulties which could arise from such an extension and consequently would resist any extension which would worsen an already unsatisfactory situation.

At present, the Information Commissioner's office is taking far too long to reach a judgement on appeals against refusals to release information—between one and two years according to Maurice Frankel, the director of The Campaign for Freedom of Information. There is also significant delay with other enquiries, for example, a complaint about an unreasonable delay by a data holder in responding to FOI requests. Such tardiness is unsurprising in the context of over 100,000 public bodies being within the remit of the *Act*, the very limited resources available to the Information Commissioner (around 200 staff) and the Information Commissioner's dual role as administrator of the *Data Protection Act*.

A delay of between one and two years severely restricts the utility of the *Act*, not least because, in the nature of things, the information with the greatest public interest tends to the most politically embarrassing and hence the most likely to be subject to a refusal to release by a data holder. In many instances, the delay may rob any information which is eventually supplied of its potency, because the utility of the information is time sensitive

and by the time it is supplied it is past the point where it is of value. A good example of this would be information required to lobby against an Act of Parliament. In the vast majority of instances, once an Act is passed the information becomes practically worthless.

A considerable injection of money is required to reduce the current delays in deciding appeals and answering, complaints and queries to a reasonable period. But even if those delays are deemed acceptable by the government, additional resources will be required to deal with any increase in traffic resulting from an extension of the *Act*. The additional resources could be considerable if a broad extension is implemented.

"The process of negotiation… could… put pressure on the public body to bring as little as possible of the contractor's work within the remit of the information as a quid pro quo for getting a contract generally favourable to the public body."

The SIF's response to Questions 2-8 should be read in the context of the need for adequate resources to be provided before substantial additions to those encompassed by the *Act* are made. However, there is one category which the SIF believes should be brought within the scope of the *Act* even if no additional resources are provided. This is any organisation, for example, a company limited by guarantee, that is created by a public body which is already within the scope of the *Act* but which is technically independent of the sponsoring public body and consequently outside the scope of the *Act*.

A good example of such an organisation is Icons Online. This is a company limited by guarantee which was set up by the Department of Culture Media and Sport (DCMS) to perform a function determined by the DCMS, which is funded by the DCMS and has a DCMS employee on its advisory board. Notwithstanding this very close association, the Information Commissioner ruled in March 2007 that Icons Online did not come within the Act. Clearly, this is against the spirit of the FOIA and provides both central and local government with considerable opportunity to hide information which is considered contentious.

Q2: Of the five proposed options, which do you consider the best option? Or would some other option, or combination of options, be preferable? Please explain your reasoning.

With the proviso that adequate resources are provided, the SIF favours option 5. Our reasons for doing so are as follows:

Option 1 - Take no action at this time. This would leave untouched even organisations as closely associated with public administration as Icons Online.

Option 2 - Self-regulation. This has a generally sorry history wherever it has been tried—the PCC is widely regarded as a prime example of such failure—and breaches natural justice by creating a quasi-judicial system which is not self-evidently disinterested.

Option 3 - Building information access obligations into contracts with organisations delivering public services. In practice, this would result in endless disputes over what was covered by the contract and almost certainly greatly increase the work of the Information Commissioner.

It would also be difficult to ensure that all important information would be covered by the contractual obligations. The process of negotiation between the public body and the private contractor over the general terms of the contract could (and almost certainly would) put pressure on the public body to bring as little as possible of the contractor's work within the remit of the

information as a *quid pro quo* for getting a contract generally favourable to the public body. In addition, those representing the public body are unlikely to have sufficient detailed knowledge of the work covered by the contract to be able to anticipate all that will be important for the public to know. There is also the very real risk that the contractor will try to exclude most of what they do on the grounds of commercial confidentiality, something which they would have substantial grounds for doing as the *Act* is presently written. If Option 3 was adopted an amendment loosening the confidentiality restrictions would be required.

There are other problems. If each contract has information access obligations tailored to its particular circumstances, the person making a request would have to familiarise themselves with each individual contractor. It would be possible to lay down in law a set of general conditions to be included in any contract, but that would be a very blunt instrument which by its nature would often fail to cover all information that is important.

"There are other problems... the person making a request would have to familiarise themselves with each individual contractor."

Many contracts will be given to a contractor who will then subcontact the work. This is particularly true of the building industry, which constitutes a large proportion of the contracts granted by public bodies. The number of sub-contractors can be very large on a large building contract, dozens or even hundreds being involved. On grounds of simple practicality it is very difficult to see how subcontractors could all be brought within the scope of the *Act*, both in terms of their numbers and the complexity of deciding exactly how each relates to the contractual obligations contained in the lead contractor's contract.

There is also the complication of work sub-contracted to firms situated abroad. These would be unlikely to willingly agree to the release of information, and even if they did there would be no practical means of checking whether they were supplying the information which they had agreed to supply.

Option 4 - Introduce a single section 5 order covering a specified set of organisations - The intention of this option can in effect be achieved by Option 5, for although Option 5 allows for any number of organisations to be added by a series of section 5 orders, the number could be stopped at whatever point is deemed reasonable, which could mean only including what was to be included under Option 4.

Adopting Option 5 allows for maximum flexibility, an important point because it is conceivable that a new class bodies with public functions could be created in the future just as companies limited by guarantee were recently created.

Q3: Should some form of public funding be essential in order for an organisation to be considered for inclusion in a section 5 order, or should this be just one of a number of relevant factors to be considered?

In principle, every organisation in receipt of substantial amounts of public money should be included because of the need for oversight of taxpayers' money by the general public. This is clearly the most important and obvious criterion for inclusion within the *Act*. However, there are other important criteria which should qualify a body for *FOIA* requests. The criteria detailed at section 2 para 20 of the consultation paper seem sound and to cover the vast majority of bodies currently excluded from the *Act*. The one important exception is interest groups and their ilk—see the answer to Q4

given below.

Q4: Are there any organisations or categories of organisations that do not receive public funding but that you believe should be covered by the Act*? Please explain why.*

In principle, any organisation which has a public aspect should be included. The most pressing cases for inclusion are organisations such as the Press Complaints Commission which perform a quasi-judicial role with political and public function implications and any organisation which places itself within the political system. Examples of the latter are campaigning groups, firms of lobbyists and charities which attempt to influence governmental policy.

The PCC is a particularly interesting case because it exists on the tacit understanding that if it did not exist there would be a government created body performing its function. In effect, it is a government created body. Logically, any body which exists in such circumstances should be, in principle, within the scope of the *Act*.

"In principle, any organisation which has a public aspect should be included."

Q5: Do you agree that the balance between the public interest and the potential burden of FOI is an appropriate consideration when deciding whether to cover an organisation?

In principle yes, but the devil lies in the detail. The public interest is not a quantifiable quality whereas the potential burden on an organisation is quantifiable in some measure, for example, the cost of setting up a publishing scheme and providing staff to respond to FOI requests. However, some aspects of the burden of FOI cannot be quantified, namely, the reluctance of non-governmental bodies, especially commercial enterprises, to be exposed to public scrutiny for reasons other than cost.

The difficulty with excluding organisations which would otherwise qualify for inclusion within the scope of the *Act* purely on the grounds of cost or because of the public scrutiny deterrent effect on potential contractors—particularly the latter—is that important areas of public interest could be excluded on a basis which took no account of the public interest in having access to information. For example, it is normally the case that very large publicly-funded contracts are bid for by only a few contractors. Sometimes there may be only one realistic bidder. If the work which is to be put out to contract must be done, the public body offering the contract could be placed in the invidious position whereby they have to choose between getting the work done at all or agreeing to exclude the contractor wholly or partially from the legitimate scope of the *FOIA*.

As far as quantifiable cost is concerned, the most sensible approach would be to set a limit based on the value of the sum below which a contractor would be automatically excluded from the scope of the *FOIA*.

As for a reluctance to take on public work because of fears of public scrutiny, it is probable that those bidding to be the lead contractor would not be put off because of the vast amounts of money involved and the very wide profit margins to be made from large public contracts. Just as public bodies are reliant on a few bidders for many contracts, so are the few organisations capable of taking on the larger contracts dependent on public contracts to keep them operating. Obligation works both ways. A sensible compromise might be to place full *FOIA* requirements on the lead contractors whilst leaving the sub-contractors untouched.

Q6: To what extent do you think that the factors listed, or any other factors, should be taken into account in determining whether organisations performing public functions should be brought within the ambit of the Act?

The SIF judges that the prime criteria for inclusions should be:

1 - Substantial public funds are involved.
2 - The organisation performs a quasi-judicial role.
3 - The organisation undertakes a function which would otherwise be undertaken by a body which already falls within the scope of the *Act*.

Q7: Do you agree that the coverage of FOI should extend to contractors who provide services under contract with a public authority whose provision is a function of that authority? If you disagree, please give your reasons.

In principle, the SIF agrees with the proposition. However, our support for this is conditional on the provision of adequate resources being made available to the Information Commissioner.

Q8: Do you agree that information relating to an organisation's administration of a public service or function, for example in the areas listed in paragraph 33, should be subject to FOI? If not, please give your reasons.

In principle, the SIF agrees with the proposition. However, our support for this is conditional on the provision of adequate resources being made available to the Information Commissioner.

Q9: Which organisations, or types of organisations, do you believe should be considered for inclusion in any extension of FOI under s.5 of the Act, *and why?*

This question has been substantially answered by our responses to questions 3 and 6. However, the position of the PCC as the arbiter of disputes in the print media will bear a few more words. At present we have an imbalance between the overseer of broadcasters (Ofcom) and the overseer of the print media. Ofcom (and the BBC Trust) is already within the scope of the *Act*. If that is judged reasonable, and the SIF is of the opinion that it reasonable, then there is no plausible reason why the PCC should be exempt. Indeed, there is arguably greater reason for the PCC to be subject to public scrutiny because it is a body funded by the industry it regulates, a fact which both breaches natural justice and provides much greater temptation for the exercise of bias.

"... there is no plausible reason why the PCC should be exempt."

LIBERTARIANISM AND WELFARE: IS CHARITY ENOUGH?

Richard Garner

"What About the Poor?"

Discussing libertarianism inevitably involves answering the question, "what about the poor"? And then, when libertarians suggest that those that want to help the poor can do so through private charity, the discussion just as inevitably turns to doubts that charity would be enough. The answer is, of course, "enough for what?" It certainly isn't the be all and end all. Firstly, it is plain that the poor in more capitalist countries tend to be much better off than the poor in less capitalist countries. When shown in this light, the claim that libertarians only want to defend the interests of the rich and don't care about the poor is clearly false. Capitalism, where it has been allowed to work to any substantial degree, has been better for the poor than socialism has. This is both in terms of actual wealth, so that even if the poor get a smaller slice of the pie it is a much bigger pie that they get a slice of, and in terms of equality, where the division between the rich and poor is less in capitalist countries than, say, between ranking members of the Communist Party and the poor in the old USSR.

"… it is plain that the poor in more capitalist countries tend to be much better off than the poor in less capitalist countries."

It should also be noted that libertarianism also means an end to corporate welfare, redistribution to the rich and the provision of monopolistic privilege by the state. And, lastly, libertarianism would also mean the freeing of the creative energies of people themselves to come up with their own solutions to problems and hazards, including the risk of poverty and the future inability to provide for oneself. That probably means the development of mutual aid and insurance arrangements.

"Compulsory Charity" in Liberal Democracies

So, in a more libertarian society, "welfare" would not merely be a matter of private charity alone. However, just sticking with charity for now, would it be enough? Well, the question itself is odd. The supposition is that people don't want to help the poor, or those in need or those incapable of helping themselves. But if that is the case, then why would they ever vote for a government to force them to do so? As David Friedman wrote (pp. 21-22),[1]

> *"Suppose that one hundred years ago someone tried to persuade me that democratic institutions could be used to transfer money from the bulk of the population to the poor. I could have made the following reply: 'The poor, whom you wish to help, are many times outnumbered by the rest of the population, from whom you intend to take the money to help them. If the non-poor are not generous enough to give money to the poor voluntarily through private charity, what makes you think they will be such fools as to vote to force themselves to give it?'"*

So, if the vast majority of people are too selfish to help those in need, then it plainly follows that no democratic institutions would result in the transfer of money from the majority to the poor. People wouldn't vote for such a government. But people *do* vote for such governments. Of course, one must not neglect certain facts. For example, according to its own figures[2] the state directly employs between about 20% of the entire workforce of the UK—the NHS is, I hear, the biggest employer in Europe—and that means that a large part of the electorate will be made up of people who's continued income depends on voting in support of various government policies. It also means that some of the most powerful pressure groups on government policy will be public sector, as opposed to private sector, unions.

Given this, support for an extensive welfare state is likely to come, in large part, from those actually employed by that welfare state, not necessarily from those it serves, or from those exclusively interested in using it to help people. Beyond this, the welfare state also helps people who are not poor or needy. The NHS is therefore supported by all who want to use it, rich or poor. Likewise for schooling, and many other things. Some of those non-poor who support the welfare state may well

do so because it helps them, not because they care for the needy who cannot help themselves, then.

However, in the end, surely a large reason that people vote for welfare statist policies is because they support the use of democratic institutions to help the poor and the needy and those who cannot help themselves. However, libertarians say, then, that if people want to help the poor then they don't need governments to force them to do it, and if they don't want to help the poor, then it is odd to think that they will support governments that force them to do it.

Of course, the response to that is that the defenders of the welfare state are voting to force the unwilling to help, as well as themselves. However, surely the number of unwilling people isn't that big. I find it incredible that they would comprise any significant part of the electorate. In fact, I would use the unpopularity of libertarianism as evidence that it is not! Hardly anybody likes libertarianism, and a major reason that they dislike libertarianism, it seems to me, is because libertarians say that there is a big problem in forcing people to contribute to looking after the poor. The reason that most people reject this is because they have a fear that, without such force, the poor would not be looked after. It should, therefore, follow that most people care for the poor considerably, and would continue to give money to help them even were they not forced to.

"… how many of these people are genuinely incapable of providing for themselves?"

So, to develop an answer to the question, we can accept that, given the popularity of the welfare state even amongst those that are not net beneficiaries of it, there is support enough to maintain its existence and it is reasonable to assume that most people would continue giving large portions of their income to help those in need. For the sake of argument, let us assume that a third of them would, or that in some manner total voluntary donations would amount to a third of the amount that government—i.e. the taxpayer—provides now.

How Many Really Need "Welfare"?

Beyond this, we have the question of how many current welfare recipients are actually people that those who support the welfare state for altruistic reasons really want to help. By this I mean, how many of these people are genuinely incapable of providing for themselves? Mary Ruwart wrote,[3]

"During the 1980s, I rented to welfare recipients. Ninety percent of my tenants were able-bodied women with children who simply chose welfare instead of work. Indeed, one woman who tried to give me friendly advice suggested that I stop fixing up the apartments at night and give up my day job. "Have some kids and get on welfare so that you can enjoy your life," she counseled me. Although I did not take her advice, many young women did. Low-income teens often told me that they became pregnant in order to receive welfare checks and establish their own residences. The more children they had, the bigger their welfare stipend.

In 1992, New Jersey eliminated part of the monthly increase that women received for new children. Even though stopping this stipend only decreased the welfare package 4%, births to welfare mothers went down by 10%. Clearly, many women were getting pregnant as a means of self-support. No wonder that one in eight children now receive some form of government "aid."

Why would someone choosing to conceive children as meal tickets and live on welfare? By the mid-90s, a person would have to earn $5.50 to $17.50 per hour (depending upon your state) to get more after-tax benefits than they'd receive on welfare! Of course, choosing welfare instead of work didn't give a person job experience or regular raises, so choosing poverty as a teen was generally a life sentence.

When Ohio required capable welfare recipients to work, 40% of them decided that they didn't need help after all. Oregon tried to place its able-bodied welfare population in jobs by offering employers a subsidy to take them. Once welfare recipients found that they were going to have to work for someone, 80% went out and found an unsubsidized job. Clearly, a great

deal of the welfare population simply chooses not to work when tax dollars, usually in excess of what they would initially earn, are readily available. Giving money to those who could work results in less money for those who can't.

In 1987, Wisconsin began requiring people on aid to seek or train for work. By 1997, Wisconsin had 55% fewer families on welfare than it did in 1987, while the rest of the nation experienced an average increase of 16%. In other words, Wisconsin's work program cut welfare by 71%!"

Of course, this is from America. People may say that the UK is different, that our welfare state is more discriminating and better safeguarded against abuse and fraud. I'm not sure what possible grounds they could argue such a thing on—so far as I can tell, welfare fraud is widespread. This forms much of the basis of James Bartholomew's excellent and highly recommended work on the welfare state.[4] Mary Ruwart's claim was that "Giving money to those who *could* work results in less money for those who *can't*." People may think that worrying about benefit fraud and welfare mothers is only a concern for the selfish and greedy, but in fact less fraud means more for those who genuinely need it.

"… it is worth considering where the overheads will be higher… in state welfare or in private charity."

Private charity is more discriminating than the state's. If people don't think that a particular charity is helping, and helping more than anybody else can, then they will stop donating. This means that charities are under a competitive pressure to be successful, and it means that if funds are being wasted on those that don't need them rather than those that do, then a charity is wasting the funds of its donors—funds that they can simply stop donating if they wish, unlike those that fund the welfare state. Mary Ruwart goes on to say that,

"Let's assume that Wisconsin's experience was atypical and that nationwide, only 50%, rather than 71%, of the people on welfare are capable of supporting themselves. Private charities would be likely to weed out such people. Thus, if we simply gave the equivalent of the welfare budget to churches and other private charities for distribution, twice as much help would go to the truly needy—virtually overnight!"

Assume that at least half of all those on welfare or claiming some sort of benefit are actually capable of supporting themselves and that private charity would cut off all support for such people. Now add in our previous position that, absent government compulsion, people would voluntarily donate funds equal to half the current money that the government provides for the poor. That would mean that the actual needy, instead of those who are able to support themselves, would receive just as much without a welfare state.

Efficiency in the Public and Private Sectors

However, we needn't stop there, since we have the effectiveness of government versus charity itself to consider. James Rolph Edwards has an excellent paper on this in the *Journal of Libertarian Studies*.[5] He reminds us that (p. 3),

"Some fraction of each dollar taxed will always be absorbed in wages and salaries of the administrative bureaucracy, costs of purchasing, powering, maintaining and replacing equipment, buildings, etc., and other overhead costs. Only the remainder will actually be received by the target population in the form of cash or in kind payments. Many advocates of compulsory income redistribution have tended to ignore this inconvenient fact altogether in their writings, however. Indeed, most of the public discussion proceeds with an implicit assumption of costless, dollar-for-dollar income transfers."

Given this, it is worth considering where the overheads will be higher and how much money gets absorbed in costs—in state welfare or in private charity. Edwards goes on to say that (pp. 3-4),

"Of course it is also true of private charities dependent on voluntary donations that they have costs absorbing part of their revenue, but there is a huge difference in the efficiency with which they operate relative to government... [P]ublic income redistribution agencies are estimated to absorb about two-thirds of each dollar budgeted to

> *them in overhead costs, and in some cases as much as three-quarters of each dollar. Using government data, Robert L. Woodson... calculated that, on average, 70 cents of each dollar budgeted for government assistance goes not to the poor, but to the members of the welfare bureaucracy and others serving the poor. Michael Tanner... cites regional studies supporting this 70/30 split."*

In contrast, administrative and other operating costs in private charities absorb, on average, only one-third or less of each dollar donated, leaving the other two-thirds (or more) to be delivered to recipients. Charity Navigator,[6] the newest of several private sector organizations that rate charities by various criteria and supply that information to the public on their websites, found that, as of 2004, 70% of the charities that they rated spent at least 75% of their budgets on the programs and services they exist to provide, and 90% spent at least 65%. The median administrative expense among all charities in their sample was only 10.3%.

"... huge numbers of people would continue to donate money were the compulsion removed."

Edwards (p. 4) suggest that actually this two-thirds figure is conservative: Charity Navigator only records charities that are tax exempt 501 (c)(3) organisations required to provide informational tax returns. That excludes religious organisations. Such organisations often use donated labour, and so can exclude labour from their total costs. Why this difference in costs?

> *"The basic reason for this large differential in costs between private and public agencies is not difficult to see. Depending largely on voluntary contributions, most private agencies are under strong pressures to operate efficiently and keep costs low. Benevolent citizens naturally wish a large fraction of their donations to reach the needy, and many will not keep donating to an agency that does not accomplish that. Donors can select among private non-profit charities, and competition between charities for donations tends to insure efficiency. Public aid agencies, in contrast, are budgeted their funds by Congress, which obtains them through compulsory taxation. These agencies are not under competitive pressures to keep costs down that are remotely equivalent to those of private charities. Indeed, their incentives may be much the opposite, as Niskanen (1994) has argued. Yet another factor promoting efficiency of private charities is that those operating at levels of inefficiency comparable to the average government agency are often prosecuted—by the government (which never applies the same standards or threat to its own agencies)—for fraud. Pressure on private charities to avoid such prosecution, and the bad publicity and loss of public trust resulting, is strong."*

Where does this leave our argument now? Mary Ruwart again provides the answer:

> *"Of course, public welfare gives over 2/3 of every tax dollar we give them to overheads (e.g., salaries of the bureaucrats who administer the program). Private charities, however, give 2/3 of every dollar to those who need help. By switching to private distribution, we'd cut overheads in half. In other words, we'd double the dollars available to the needy once again."*

To Sum Up

So, the fact that so many people who are not themselves net beneficiaries or employees of the welfare state continue to vote for or support welfare statist policies itself indicates a good chance that huge numbers of people would continue to donate money were the compulsion removed.

On a conservative estimate I said that a third of the present government expenditure could be raised through voluntary donations. I then suggested that, conservatively, half of the total revenue spent by the government on welfare is collected by those that can support themselves and would be denied support by private charities. That means doubling the remaining funds for anybody left. That gives us two thirds of the present expenditures.

Lastly we have the superior efficiency of charity over government, averaging twice as effi-

cient. So we can double our two thirds of government expenditure. The result is that leaving support for the needy to charity could end up with 33% more support, in financial terms, for the actual needy than is presently provided by the state.

Is charity enough? It is more than enough!

"Is charity enough? It is more than enough!"

Notes

(1) David Friedman, *Machinery of Freedom: Guide to a Radical Capitalism* (2nd ed.), Chicago, Illinois, Open Court Publishing, 1989.
(2) National Statistics, 'Public Sector Employment', National Statistics Online, 28th October 2005, retrieved 25th February 2008, http://www.statistics.gov.uk/cci/nugget.asp?id=1292.
(3) Mary Ruwart, 'The Poor Would Have More in a Libertarian Society', Mary Ruwart website, c. 1997, retrieved 25th February 2008, http://www.ruwart.com/poverty.lpn.wpd.html.
(4) James Bartholomew, *The Welfare State We're In*, London, Politico's, 2004.
(5) James Rolph Edwards, 'The Costs of Public Income Redistribution and Private Charity', *Journal of Libertarian Studies*, Vol. 21, No. 2, Summer 2007, pp. 3–20, retrieved 25th February 2008, http://mises.org/journals/jls/21_2/21_2_1.pdf.
(6) Charity Navigator, 'Not All Charities Are Equal', 2nd February 2004, retrieved 27th February 2008, http://www.charitynavigator.org/index.cfm?bay=content.view&cpid=186.

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"Psychiatry claims to be a biomedical discipline because its area of interest includes behaviour arising from abnormal process. But it also deals with patterns of individual response that may be better understood in the terms of gender, politics or relationships. Psychiatry's biological assumptions serve to legitimise a variety of social control procedures that are reinforced by the coercive power which treatment demands. Examples abound. The psychiatric condition of Reformist Delusion was recognised whenever a totalitarian ideology took control. It reached epidemic proportions wherever the Red Flag was run up a flag-pole. Diagnosis is secured from networks of informers, police reports and the criminalisation of dissent. Treatment there is no waiting list includes medication, rigorous assessment of family and peers and therapeutic re-location." *The Cunningham Amendment*, Vol. 10, No. 2. 1005 Huddersfield Road, Bradford, BD12 8LP

(Continued from page 1)

that we have today. I recommend James Bartholomew's *The Welfare State We're In* as an excellent, longer but still highly accessible read on the subject.

Which, since he mentioned that particular work in his speech, brings me back to David Myddelton. The occasion was the first of what we hope will be many Chris R. Tame Memorial Lectures hosted by our sister—or should that be daughter?—organisation, the Libertarian Alliance. Professor Myddelton's excellent talk, held in the elegant surroundings of National Liberal Club in London, was titled, 'How to Cure Government Obesity', in other words, how to shrink the size of the state! As Professor Myddelton noted, the proportion of the 45% to 50% of GDP now directly consumed by the state that is "welfare" in one way or another means that this politically very difficult issue is one that nevertheless needs to be tackled.

Professor Myddelton gave at least one crumb of comfort in what was otherwise an often bleak *tour d'horizon*. He noted that the intellectual climate for free-market and non-state ideas was actually much worse than it is now in the decade or two after the last War. Hopefully, a video of the his excellent talk should be available soon via the Libertarian Alliance.

Chris Tame died three years ago, and remains an irreplaceable loss for many of us. All that we can hope is that he would smile on the continuing endeavours of organisations such as the SIF, LA and many others.

Nigel Meek

THE BATTLE FOR LIBERTY: MORE THAN JUST "EUROPE"

Nigel Meek

The Follies of Youth

The membership of the SIF has remained fairly stable for some years. Some members die, resign or just disappear whilst others join via one source or another, often the Internet these days. At the end of 2007 we received a resignation, and the resignee was kind enough to let us know why.

Briefly, he was concerned that the SIF was or had become insufficiently explicitly Eurosceptic. He noted that the majority of new laws in the UK actually now come from the European Union. He cited in particular an essay that had appeared in a recent issue of *The Individual* that was about legal matters but which made little or no mention of this fact.

On the face of things, I have considerable sympathy for this point of view. It surprises many who know me now that even into the mid 1980s I was for a time something of what we would now call a Europhile. There were a number of reasons for this. I am half German, and so do not share some of the cruder xenophobia that bedevils the Eurosceptic movement. I was also a supporter, and indeed member, of the Conservative Party, and it will be recalled that Euroscepticism in the UK up to that time had often if not always been the province of those who wished to transform the UK into a "socialist paradise" (with or without the aid of Soviet tanks). Perhaps least defendable was that I accepted the wholly emotional appeal of an idea of "Europe" that was all about sipping fine wines in a Venetian piazza to the ethereal accompaniment of a string quintet playing Mozart (although I've always been more of a Motörhead man).

"I was for a time… a Europhile."

And then, some time before the Maastricht debates, I began to take notice of what the EU *actually* meant. I changed my mind very quickly and have long since been a member of the cross-party Campaign for an Independent Britain. (The EuroFAQ website (http://www.eurofaq.freeuk.com/eurofaq.html) is a good place to start as, of course, is regular readership of the EU Referendum blog (http://www.eureferendum.blogspot.com) run by Drs North and Szamuely.) So, in that sense, I have sympathy with our erstwhile member. But I also have three, overlapping concerns.

Three Problems

First, much of the subject matter carried in *The Individual* or addressed by our public speakers is "universal" in nature. For example, many, but by no means all libertarians and classical liberals believe that, for a number of reasons, we would be better off decriminalising the sale of heroin and other narcotics. In principle, it makes no difference to the validity of arguments for and against this that the ultimate arbiters of the debate and subsequent legislation sit in a sovereign parliament in Westminster or Brussels or indeed anywhere else. One could even appeal to that mythical creature the "benevolent dictator" if he or she were in charge of things.

Second, there is the tactical danger of what I have long described as "monomaniacal Euroscepticism". By this I mean a focus on opposition to the EU to the virtual exclusion of all else, not least the reasons *why* one is opposed to the EU. For too many Eurosceptics, the EU has come to be seen as the fountainhead of all evil. Remember: it was the *British* electorate that voted in the 1945 Labour government that promised its war-weary supporters to usher in a new socialist paradise (see above) by nationalising much of the economy and being the ones who actually brought into being "the envy of the world" that is the NHS. And what a success all of that was!

These days, a distressing symptom of this is to find normally sensible and liberal (in our sense of the word) people cheering on an appalling array of racists (particularly anti-Semites), homophobic ranters and plain hee-hawing buffoons simply because "they want out of "Europe'". Anyone who has spent much time in the more "conservative" corners of the Eurosceptic movement will all too easily recognise this.

If this concern is inward looking towards Eurosceptics themselves, then the third and final reason is more outward looking. It is perhaps the other side of the coin. Taking an example

both recent and directly relevant, in March this year two people known to many of us, Dr Sean Gabb of the Libertarian Alliance and Marc-Henri Glendening of the Democracy Movement, spoke at a UK Independence Party (UKIP) rally in Exeter. (See http://www.seangabb.co.uk/flcomm/flc169.htm for more on this plus links to videos of both of these speeches. Some who receive Dr Gabb's email bulletins will already know of the aftermath!)

In their different ways, both spoke to the same theme: that the European Union has to be seen as but one element of a new and illiberal *ruling class*. There is nothing inherently socialist about notions of "class" and hence "class conflict". To paraphrase Dr Gabb, a class is simply a group of people that view their overall interests as being different from those around them.

"There is nothing inherently socialist about notions of "class" and "class conflict"."

This new ruling class is one which for years has infiltrated and now controls vast swathes of the political (elected and unelected), academic, legal, media and cultural world. Unlike the older ruling classes based upon land and finance, it is almost wholly parasitical in nature being dependent upon the public sector and therefore the taxpayer. This is the nature of the new class conflict. It is not between "the poor" and "the rich". Substantially, it is between, if you will, "net tax contributors" and "net tax consumers". (By definition, people who work in the public sector do not pay *any* tax. It's simply an accounting procedure between one bit of the public sector and another.)

The new class—fed in part by a never-ending stream of often otherwise unemployable social science graduates—operates within agenda such as "political correctness", "multiculturalism", "environmentalism" and, of course, "transnationalism" of which the EU is a prime example.

"Getting out of 'Europe'" is Not Enough

So yes, we need to leave the EU if only to be able to do a host of other things that we need to do such as immediately shutting down whole swathes of the public sector including the BBC, entire government departments and ministries, sundry commissions, quangos and agencies, and the other paraphernalia that the new class uses to enrich itself behind a veneer of legal respectability. Plus, of course, repealing the colossal array of illiberal legislation that governments of one notional colour or another have foisted upon us or are currently trying to.

But by itself, leaving the EU will do very little indeed if our domestic new ruling class is left intact and in place.

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As a lengthy afterthought... Helen Szamuely and Richard North often note the bizarre and incompetent nature of mainstream media (MSM) reporting of politics.

One aspect of this is when areas of policy are discussed in terms of "Westminster politics" when in fact—and this, of course, is where I started this article—they've long since been surrendered to the EU. I've likened this to imagining that the council members for the London Borough of Bromley started to spend their official time debating troop deployments in Afghanistan or foreign relations with China, and that in turn the local press reported this without pointing out that this was an obvious nonsense. I suspect—or, rather, I *hope*—that my fellow residents of Bromley would quickly question the sanity of their elected representatives and the competence of the press.

One way or another, the EU and its British followers have been careful in preserving the *appearance* of the British constitution and have managed to conceal the fact that it's often little more than an expensive charade run by people engaged in lucrative displacement activity that hides their political impotence.

I was chatting to a noted libertarian commentator after the recent Chris Tame Memorial Lecture (see my editorial in this issue). He raised the issue of Tony Blair and the possibility of a directly elected EU president. He suggested that, whilst this would indeed be another major step towards "ever closer union", it *might* be the one thing that finally made the MSM and the British public realise just what was going on. Perhaps...

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The SIF's Aim:

"To promote responsible individual freedom"

The SIF is a classical liberal organisation that believes in the economic and personal freedom of the individual, subject only to the equal freedom of others.

The SIF promotes...

- ✓ The freedom, importance and personal responsibility of the individual.
- ✓ The sovereignty of Parliament and its effective control over the Executive.
- ✓ The rule of law and the independence of the Judicature.
- ✓ Free enterprise.

SIF Activities

The SIF organises public meetings featuring speakers of note, holds occasional luncheons at the Houses of Parliament, publishes this journal to which contributions are welcome, and has its own website. The SIF also has two associated campaigns: Tell-It, that seeks to make information on outcomes of drugs and medical treatments more widely known and available to doctors and patients alike, and Choice in Personal Safety (CIPS), that opposes seatbelt compulsion and similar measures.

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"Every man has freedom to do all that he wills,
provided he infringes not the equal freedom of any other man."

Herbert Spencer, *Social Statics*, 1851