

In this issue:

- An inside view of the British criminal justice system
- A contrary view about “addiction”
- SIF reports
- And lots more!

INDIVIDUAL FREEDOM MEANS THE RIGHT TO SAY “GET OUT OF MY HOUSE”

A packed issue of *The Individual* leaves little room for me this time. (Quiet at the back!) So, I shall just touch on two issues.

The first is to echo my friend and colleague Dr Sean Gabb’s comments in a recent press release of the Libertarian Alliance (www.libertarian.co.uk) concerning anti-discrimination legislation. I am a libertarian. I strongly believe that decriminalisation of homosexuality, the subsequent equalisation of the ages of consent, and just as importantly the increasing acceptance of gays and lesbians is an unambiguously good thing.

But to quote Dr Gabb, “If someone chooses, for whatever reason, not to employ homosexuals because of their homosexuality—or not to rent property to them, or not to provide other paid services to them—that is his right within the liberal tradition. By such behaviour, he is not committing any aggression against others. He is merely exercising his right *not* to associate or *not* to contract. No one who is thereby refused suffers any harm that is, within the liberal tradition, to be consid-

ered actionable. The same reasoning fully applies to discrimination on the other grounds of race, sex and religion.” Exactly.

I am also a staunch believer in “law and order” in the libertarian sense that we have the right to be safe from theft, assault and fraud and that those who commit these acts ought to be appropriately punished. It is clear that at the moment our criminal justice system is not working well enough. For a start, we are simply not catching and punishing enough criminals.

But even when we do, are we surprised that so many return to crime if the prison service does not offer effective rehabilitation? Daniel Chadwick—rather different from the “usual” contributor to *The Individual*—offers a view from the inside.

Finally, a belated Happy New Year to our members and other readers.

- Nigel Meek

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Views expressed in *The Individual* are not necessarily those of the Editor or the SIF and its members, but are presented as a contribution to debate.

Only policies or opinions that have been approved by the SIF Management Committee, and are noted as such, can be taken as having formal SIF approval. This also applies to editorial comments in this journal.

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

Inside this issue:

<i>Habits Are Not Illnesses: A Response to Dr Robert Lefever</i> - Joe Peacott	2
<i>The Anti-Enterprise Culture Amongst Scotland's Ruling Elite</i> - James Mackie	5
<i>Easing Fears About Outsourcing</i> - Richard Garner	7
<i>Minutes of 2006 SIF AGM and National Council Meeting</i>	11
<i>The Not So Much Freedom of Information Act</i> - Robert Henderson	14
<i>The Age of Public Protection</i> - Daniel Chadwick	17

HABITS ARE NOT ILLNESSES: A RESPONSE TO DR ROBERT LEFEVER

Joe Peacott

Introduction

In the last number of *The Individual* (July 2006), Dr Robert Lefever argued that addiction is a disease. Although Lefever's experience is that the addiction as disease model is a hard sell to other doctors, that is not at all the case in the US, where it is already the prevalent view not only among physicians, but also with the news media, politicians, and the "addicts" themselves. Hardly a day goes by without some prominent public figure going into "treatment" for one addiction or another, whether booze, drugs, sex, or gambling. What was once simply bad or excessive behavior has become sickness to be treated by professionals of one sort or another. But just calling something an illness does not make it so.

The Myth of Addiction

Debating whether addiction is a disease or not begs the question of whether there even is such a thing as addiction. Clearly there are people who use drugs, gamble, or have sex in ways that are harmful to them in some fashion, causing physical problems, financial difficulties, or discord in their sexual and family relationships. Those who would call them addicts, like Lefever, claim that they have some defect, biochemical or psychological, that drives them towards these self-destructive activities, and phrases like impaired impulse control and compulsive use are used to characterize addictive behavior. Such descriptions at least imply that the addict is somehow not in control of their actions, or, in the words of Alcoholics (or Narcotics or Gamblers or Overeaters or Sex and Love Addicts, etc) Anonymous, powerless before their addiction.

This is nonsense. People, when not coerced by others, will generally choose to engage in pleasurable activities and avoid painful ones. But pleasure and pain are in the eye of the beholder. Some people are willing to stop partying to raise children and have a house in the suburbs, while others are willing to sacrifice their relationships and jobs in order to get high whenever they can. But just accepting that we all have different desires and goals

doesn't work for everyone. Often the good, upstanding, hardworking citizens find it impossible to put themselves in the place of the party animals, so they are happy to accept what passes for an explanation of such behavior in the concept of addiction. After all, how could anyone choose a crack pipe over the joys of job and family unless they were driven to it by something beyond their control?

The answer from the doctors, that they have an addiction, is really just a label, not an explanation. Naming bad behavior as addiction dresses up people's disapproval of the actions of others in pseudo-scientific garb. It does not explain in what way they are compelled to drink, or how they have lost control of their eating, or why they are powerless before the slot machine. And that is because the concept of addiction is fundamentally flawed.

In order for someone not to be in control of their actions, someone or something else would have to be. For someone's actions to be compulsive, there must be another compelling them. But those who believe in addiction have yet to show who raises the glass to the alcoholic's lips other than the drunk, who injects the heroin into their own vein but the junkie, and who throws the chips on the blackjack table but the gambler. There is no puppet master controlling these people's actions. They are freely choosing to do what gives them pleasure, whether those who seek their satisfaction elsewhere can understand their behavior or not. While most medical professionals would reject the explanation that the devil made them do it, they have accepted a concept just as amorphous and unscientific if they believe that addiction made them do it.

Disease and Difference

Lefever argues that addicts have an inherited biochemical defect that predisposes them to drink, have sex, smoke, or gamble to excess, although the evidence is not at all clear that there is anything that physically sets "addicts" apart from others who engage in such pastimes in moderation. Lefever presents no evidence for this defect other than his belief that it

"... those who believe in addiction have yet to show who raises the glass to the alcoholic's lips other than the drunk..."

would be “absolutely incredible” if there were not such a defect. Of course such an idea is incredible only to those cannot bring themselves to believe that people can make really bad choices all on their own.

Since one can hardly conclusively demonstrate the existence of a “tendency,” Lefever makes no attempt to do so. Instead he muddies the waters by pulling vision problems, contraception, unemployment, and sports injuries into a discussion of what constitutes disease, relieving himself of the burden of proving his case. He claims the conventional view of disease is too narrow, but if it were expanded as much as he seems to argue, it would encompass so much as to be a useless concept. While behavior or relationships or ideas may be viewed as sick, this is so only in a metaphorical way, as when a joke is sick. Taking this designation seriously and diagnosing drunkenness as a genuine illness is to take such a metaphor much too literally.

There is a long history of doctors diagnosing the behavior of others as diseased in some way. With the rise of modern psychiatry, many unusual activities and pastimes were no longer viewed as vices or immoral acts, but as mental illnesses. While mental illness is officially viewed as very much akin to physical illnesses like diabetes, even psychiatrists know this not to be the case. For instance, a disease, like homosexuality, can be created or eliminated from the roster of mental illness simply by the decision of a groups of “experts,” based only on whether such activity is socially acceptable or not. This is hardly how medical doctors deal with defining an illness.

In recent years psychiatrists and researchers have attempted to prove that so-called mental illnesses, including addiction, have an anatomic and/or physiological basis in an attempt to prove that they are real illnesses. But the fact that that there are structural or functional changes in the brain associated with some bizarre or anomalous behavior does not in fact prove that the brain anomaly caused the behavior, and not vice versa. It is well-established that mental functions, such as memory and learning, change the brain, and it may be that the brains of people with emotional or mood problems are changed by their mental state instead of the other way around. While there clearly are brain diseases that manifest themselves behaviorally, “disordered”

behavior, even in association with changes in the brain, is in no way proof of an underlying disease.

Interestingly, while the experts point to physical changes underlying mental illnesses, many still prescribe and practice talk therapy as at least part of the treatment for them. This alone should highlight the difference between real, physical illnesses and the problems in living that have come to be labeled as mental illnesses. If counseling can really alter the course of disease, perhaps endocrinologists should prescribe psychoanalysis to lower the blood sugars of their diabetic patients.

Why Embrace the Disease Model?

Lefever believes that it is unfair to think that addicts and those who treat them embrace the disease model in order to shirk responsibility for their actions. But it should be no surprise that people who disagree with the disease model of behavior would assume this. The very language used by the addiction industry, words like compulsion, powerless, impaired control, give the impression that addicts are victims of forces greater than themselves. The core of AA and other 12 step programs, which are endorsed by Lefever and are part of virtually all addiction treatment in the US, is that addicts are powerless before their addiction and must rely on god or some other “higher power” to fix them. (Of course the success of such programs requires that addicts in fact demonstrate that they are in control of their urges, so even the 12 steppers don’t really believe this stuff.) It certainly sounds like addicts and their therapists are saying it’s not their fault.

If the addicts and those that treat them are not trying to avoid responsibility for their situation, what value is there in trying to convince others they are sick, and not just profligate? Well, follow the money: calling addiction a disease means that treatment is covered by health insurance. This is to the advantage of both the addicts and their doctors and has spawned a huge “recovery” industry. And the more things that one can be addicted to, the more money to be made. Now that tobacco users are addicts, drug companies can produce pharmaceutical nicotine. Since obesity is the

“... follow the money: calling addiction a disease means that treatment is covered by health insurance.”



result of an eating disorder, diet pills and “bariatric” surgery are appropriate treatments.

In addition, classifying addiction as an illness provides job protection for those whose use of chemicals interferes with their ability to come to work or perform their work properly. Laws that proscribe discrimination based on disability are used to keep addicts from being fired, and protect health care workers diverting drugs from patients to themselves from being disciplined. After all, if these people are sick, they shouldn’t be punished for manifesting their symptoms. So people who are addicts are allowed to “get away with” behavior that would result in other people getting fired and/or arrested.

Even though the whole medical model of addiction and other mental illness lacks any real scientific basis, this might be overlooked if its application actually helped people change their behavior more effectively than earlier ways of looking at overindulgence. But it doesn’t. Anyone familiar with the recovery industry or who knows people who have gone through it has to be aware of the huge “relapse” rate. People who enter rehab and follow up with 12 step meetings or other “therapy” will often keep clean for a while but most (perhaps as many as 90% according to some of the literature¹) go back to their favorite activity all too soon. It remains to be shown that medical treatment of addiction is any more effective than simpler (and cheaper) methods, like family and social pressure, which can at times convince people it is time to quit before they totally screw up the rest of their lives.

A Different Approach to Problems in Living

A former US Surgeon General once said that tobacco is more addictive than heroin, and similar statements from others are not uncommon. If this factoid (and no proof is ever offered) were true, it alone would give the lie to the whole medical approach to addiction. Millions of people in the US have quit smoking over the years, the vast majority of them unaided by drugs, therapists, or Tobacco Addicts Anonymous. At some point they decided to stop smoking (or chewing or dipping) and did so. Period. And there are many heroin, cocaine, and alcohol users who have done exactly the same thing.

That is because they have no disease. They simply have chosen to use some drug or en-

gage in some other pleasurable activity to such an extent that it interferes with their jobs, relationships, or other parts of their lives. Sometimes their desire for pleasure ends in disaster for them and their loved ones and sometimes they figure out that their time and money could be better spent in some other way. But in either case they are people making choices, not patients suffering from an illness.

Lefever argues that people who are unhappy (he would say depressed) are more likely to engage in some of the harmful activities which he discusses, and believes that this is further proof that addiction is a disease. While I would agree that people use drugs, gamble, and/or sleep around to make themselves happier, that doesn’t mean they were necessarily unhappy to begin with. And even if they were, sadness is no more a disease than drunkenness, despite what the experts and drug companies say. Being sad, trying to make ourselves happy: these are just part of the human condition.

Medicalizing problems in living allows people to turn over responsibility for their lives to the experts, relieving themselves of the burden of trying to figure how to change their lives and circumstances in ways that might maximize their happiness and minimize their distress. It doesn’t challenge the social, economic, and religious institutions that breed inequality, poverty, greed, sexual frustration and other social phenomena that lead to unhappiness. It doesn’t critique the prohibitionist mentality that creates legal restrictions on drug use, sexual relationships, and even wagering that encourage those who engage in such activities to do so in riskier and more “addictive” ways.

If the addiction professionals cannot bring themselves to give up the medical model, perhaps those they seek to help would be better served by a kind of public health approach. Here, an attempt is made to control a disease by eradicating its causes, such as the mosquitoes which carry malaria or the snails which transmit schistosomiasis. Translating this approach to sadness and overuse of drugs (or depression and addiction as Lefever would have it), perhaps the experts should concentrate on eliminating authoritarian governments and countering puritanical religious sentiments, instead of hospitalizing those who turn to pleasurable but dangerous activities to counteract the misery such institutions can cause.

“They have simply chosen... to engage in some... pleasurable activity to such an extent that it interferes with their jobs...”

Note

(1) Of course, given that Dr Lefever is the sort of person who writes for the Society for Individual Freedom and the Libertarian Alliance, his results are likely to be of the superior sort. This does not alter my view of the basic issue.

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THE ANTI-ENTERPRISE CULTURE AMONGST SCOTLAND'S RULING ELITE

James Mackie

"111 of the MSPs are what I would consider socialist."

The people of Scotland voted enthusiastically for Devolution and a Scottish Parliament, as they thought it would make a better Scotland. The MSPs have let them down. Of 129 MSPs fewer than 30 are from the business sector and few of them have any experience from the manufacturing sector. A stable economy that provides opportunities and social inclusion for all must be built on manufacturing and export. The Scottish Economy is now based primarily on Government spending.

A look at the background of our current (September 2006) MSPs offers a clue as to why the Scottish Parliament has deprived Scotland of the opportunities that devolution could have brought. An analysis of former occupations shows 30 former teachers or lecturers, 21 council employees, 14 parliamentary or political researchers, 13 councillors, 14 lawyers, 10 union employees, 3 civil servants, 7 former Westminster MPs, 8 from the media, one psychiatric nurse and one social worker. Looking at the First Ministers, we have had a lawyer, a council planning official, and now a former maths teacher. 111 of the MSPs are what I would consider socialist.



James Mackie

emigrating and leaving our key services and industries dependent on immigrants to fill the gap. Our education system appears based on getting pupils through examinations rather than giving them a sound education in "the three Rs", hence the shortage we have of skilled and educated youngsters willing to go into the workplace to learn a trade or profession. To come through an education system that does not give experience of challenges such as examinations leaves some children traumatised when they hit the reality of employment. A system that does not believe in discipline or personal challenge has given us a community plagued by antisocial behaviour.

Scotland once had a robust economy based on manufacturing, exporting and trading. Even high street trades such as butchers, fishmongers and green grocers have disappeared under the political belief that supermarkets are the champions of commerce. The high cost of red tape and regulation from a commercially naïve Parliament has forced the closure of many businesses, especially small family-run businesses.

Instead of generating wealth for all, their policies are creating an economy based on part-time minimum wages, with skilled individuals

We can see the naïvety of the Executive when it comes to almost any problem. They set up working parties and committees, call on reports, all of which highlight the symptoms,

**"The Executive
appears
mesmerized by
academics..."**

but never address the cause of the problem, or how we can change things to stop the problem reoccurring. Any number of experts can tell how an individual died but are unable to revive him. How often is the information gained from such exercises used to prevent reoccurrence of the problem?

Running a country is like running a business. To survive you have to provide the customer, i.e. the taxpayer, with what they want, when they want it, and at a price the country can afford. At the moment, the taxpayer is paying through the nose for services that do not meet requirements. This is a situation that is untenable and will cause a collapse of the economy and standards of living.

The Executive appears mesmerised by academics and dismissive of lesser mortals who maybe do not have paper qualifications, but who do have the practical experience to recognise the root cause of problems and how to fix them. In next year's Scottish Parliamentary elections the voting public would be better to look at the experience of individual candidates, rather than voting on the basis of a failed political ideology.



James Mackie is a Scottish businessman who specialises in fish, pig and poultry health and nutrition and also plant and crop products. His website can be found at www.jamesmackie.com.



Producing *The Individual*

If you have nothing to hide...

- ✓ "If I'm doing nothing wrong why are you watching me?"
- ✓ "I don't want to be watched because you define what's wrong and you keep moving the goalposts."
- ✓ "Why do I need an ID card? I know who I am."
- ✓ "I don't want to keep disclosing my details because you might abuse my information."
- ✓ "It's not about security or privacy. It's not about control or terrorism. It's between Freedom and Servitude. There is no other battle."

From *The Cunningham Amendment*, Volume 8, Number 3. Contact at: 1005 Huddersfield Road, Bradford, West Yorkshire, BD12 8LP.

EASING FEARS ABOUT OUTSOURCING

Richard Garner

Introduction

One of the biggest fears that people have about globalisation and free trade concerns outsourcing—when domestic industries start manufacturing goods abroad and then sell them at home. Here I explain why these fears are unfounded. As a point of explanation, though, my account is of why, *given a free market*, outsourcing is not harmful. Many libertarians, including readers of *The Individual*, will object to this, pointing out that in the real world the market is not free, and outsourcing is encouraged by wages held down in the third world by employers who benefit from monopolistic privileges granted by the state. Here I do not have time to examine this view, suffice it to say a few things though. Firstly, it is not my belief that most outsourcing goes to the third world. Secondly, investment in the third world is increasing and it would not be if those who could invest there were restricted by monopolistic privileges. And lastly, sure, the market is not free, but allowing outsourcing in the absence of a free market is preferable to not allowing outsourcing in the absence of a free market.

Why using labour-saving machines doesn't create unemployment

Imagine a clothing manufacturer learns that a newly invented machine will make men's and women's trousers for half as much labour as he currently uses. For this reason he installs the new machine and lays off half his work force.

Now, at this stage it looks obvious that there has been a clear loss of employment—half the people in his company are now unemployed. There is the fact that the machine required labour to produce, and so here the unemployment the manufacturer appears to cause is slightly offset by the fact that the introduction of the machine itself created jobs that would not have otherwise existed.

However, this is clearly not a sufficient response to the problem of the apparent unemployment that the introduction of the machine causes. The manufacturer would have introduced the machine only if it had either made

better suits for half as much labour, or if it had made the same suits at a lower cost. Assuming the latter, we can't assume that the labour required to make the machine is as much, in terms of the payroll, as the amount of labour that the manufacturer hopes to save in the long run by adopting the machine. So there is still a net loss of employment that needs to be accounted for.

After the machine has produced sufficient economies to offset its costs, the clothing manufacturer is left with a profit. So at this point it would seem that labour has suffered a net loss in employment, whilst the manufacturer, and only he has gained—an apparently clear case of one side benefiting at another's expense.

However, it is from these profits that the benefits come, since the manufacturer has to use these profits. And he can only use these profits in one or all of three ways. (1) He will use these extra profits to expand production by buying more machines to make more coats; or (2) he will invest the extra profits in some other industry; or (3) he will spend the extra profits on increasing his own consumption, buying a new car, or house, or something. The point is that each of these three courses of action increases employment.

In other words, because he introduced the labour saving machine, the clothes manufacturer has profits he previously didn't have. Every penny of the amount he saved by no longer having to pay the wages of his former workers is a penny he now has to pay out in indirect wages either to the makers of new machines (if he chooses option (1)), or to workers in another capital-using industry (if he chooses option (2)), or to the builders of his house or makers of his car, etc. (if he chooses option (3)). Whatever the case, he gives indirectly as many jobs as he ceased to give directly.

However, the matter doesn't rest here. The process goes on to create even more *jobs*. If the manufacturer makes great economies compared to his competitors, then either he will expand his production at their expense or they will also start using the machines (further increasing the demand for people to work to

"Every penny of the amount he saved... is a penny he now has to pay out in indirect wages..."

make the machines). But in this case the competition and increased production will drive the prices of the trousers down. The rate of profit available to manufacturers will fall, so that the saving of introducing the machine will be passed along to those that buy the trousers—the consumers.

Now, because the trousers are cheaper, more people will buy them. In other words, even though it takes fewer people to make the trousers as before, more trousers are being made than before. If the demand for trousers is elastic—that is, if a fall in the price of trousers causes a larger amount of money to be spent on them than before—then more people will be employed in producing the trousers than were employed in producing them prior to the introduction of the labour-saving machine. This is what has occurred in reality. For instance, whilst the Luddites smashed up new stocking frames under the claim that their introduction in the stocking industry at the beginning of the nineteenth century would result in unemployment, by the end of the century the industry employed one hundred men for every single man it employed at the beginning of the century.

In 1760 Arkwright invented new cotton spinning machinery that could do the job of many people. At that time it was estimated that there were 5,200 spinners and 2,700 weavers in England, and the introduction of Arkwright's machines was greatly opposed as a threat to people's livelihoods. However, in 1787, twenty-seven years later, a parliamentary inquiry found that the number of person's employed in spinning and weaving cotton had increased from 7,900 to 320,000. That is an increase of 4,400%!²

However, new employment does not depend on this elasticity of demand for the product—in our case, trousers—involved. Imagine that the price of the trousers dropped from £60 to £40, but not a single additional pair of trousers were sold. In this case each buyer of the trousers would be provided with the trousers they would have got before, plus £20 left over that they didn't have before. In effect, they would have made a profit just as the clothing manufacturer in our example did earlier. Like the manufacturer, this customer would have to use the money they saved, and could only use it by (1) investing it in his own industry, (2) investing it in some other capital-using industry, or (3) by using it to increase his own consumption. Just as with the manufacturer, in each of

these three ways the consumer is paying the wages of workers that he would not have paid before.

So, on net balance, machines, technological improvements and automation, economising and making a firm efficient do not throw people out of work. It is important to remember, though, is that machines are good, not for making more jobs, but for bringing more products. What machines do is to increase production and increase the standard of living in two ways. They do it by making goods cheaper for consumers (as in our example), or by increasing workers' wages because they increase workers' productivity. In short, they either increase money wages, or, by reducing prices, they increase the number of goods and services that that money wage will buy. Sometimes they can do both. In any case, machines increase *real* wages.

What does this have to do with free trade and outsourcing?

What this has to do with free trade and outsourcing is that outsourcing is a way of economising in a firm just as introducing a machine can be. Take our example of the trousers manufacturer above. Now, imagine that what he discovered was not that introducing a new machine will make clothes for half as much labour as previously. Suppose, instead, that he learns that workers in another country will make as many clothes for him as before but for half the cost. So the manufacturer lays off half his workforce and employs the people in the foreign country instead.

In exactly the same way as with the machine, the manufacturer again is left with a profit. Again, this profit can only be in one or all of three ways. (1) He can use the profits to expand production, hiring more of these foreign workers; or (2) he can invest it in other industries; or (3) he can spend it increasing his own consumption. Any of these three ways means taking money he saved by no longer paying wages to half of his original workforce and using it to indirectly pay the wages of other workers.

Moreover, again, if the demand for these goods is elastic, by gaining the economies of introducing foreign labour into his firm, coupled with the activity of his competitors, his industry may well end up employing more people than it did prior to switching to cheap foreign labour.

“What machines do is to increase production and increase the standard of living...”

And even if the demand is not elastic, his customers save money, and so have more money to spend on other things, increasing demand for those other things, and so increasing demand for workers to produce those other things.

The effects of Outsourcing in the real world: What prospects for the future

The concern over outsourcing is a coherent one. It is said that, if developing countries can pay lower wages to their workers, aren't constrained by environmental regulations or workplace regulations, and can make their workers work long hours, then their cheap output will eliminate our well-paid jobs and force us to lower our wages and working conditions. Firms, it is held, will migrate to places where they can pay the lowest wages and have the worst conditions. And so we get the "race to the bottom," as it is called.

The trouble is that this argument is plainly rooted on fallacious beliefs. It is wrong for the same reason that arguments for a minimum wage are wrong: if it is the nature of firms to naturally drive down to their barest minimum necessary to survive (as the "Iron Law of Wages" of classical economics held), then all employers would pay no more than minimum wage. They don't. If it was the nature of firms always to drive work conditions down to the worst possible, then all employers would offer a working environment that was barely within the legal constraints. They don't.

The explanation is fairly simple. The fact is that consumers are not above all interested in buying goods from people who are poorly paid. What consumers want above all is to obtaining products that are as good and as cheap as possible. The reason that wages are low in developing countries is because workers in these countries are less productive than we in the west, producing less per employee.

If wages rose as a result of increased productivity, then there would be no problem, and consumers would have no reason for invariably choosing the products of cheaper labour. For instance, in thirty years—since becoming more globalised—Japanese wages rose from an average of one tenth of the American level to a level higher than the average American's. However, this did not make the Japanese less competitive—as many an American protec-

tionist will testify—because output capacity rose at the same rate.

As Johan Norberg says, "Firms are not primarily looking for cheap labour. If they were, the world's aggregate production would be concentrated on Nigeria." What firms are interested in is getting as much as they can out of the capital they invest. Wages in developing countries are so low because, relatively speaking, manpower is worth less to business undertakings, because it is less skilled and there is little access to machinery. As investments and education and prosperity increase, so too do wages.

The facts prove this, as Norberg shows:

In 1960 the average Third World worker had about 10 per cent of an American industrial worker's wage. Today this has risen to 30 per cent, in spite of the American wage level also having risen. If competition had kept wages down in affluent countries down in affluent countries, the proportion of the national income going on wages ought to diminish, but it is not doing so.²

Likewise, echoing the fears behind the "race to the bottom" belief, Ross Perot claimed that the NAFTA free trade agreement would cause a "great sucking sound" as all American jobs are vacuumed up in Mexico. However, since NAFTA came into force in 1995, employment in the USA has risen by ten million job opportunities. The US workforce is one of the world's best paid, so if American firms were solely interested in paying low wages, they would all have relocated to Africa where wages are lowest (not Mexico!). However, 80% of all investments go to high-wage countries, not low wage countries. The investment goes to countries like the UK and Canada, the Netherlands and Germany, where living conditions, social standards, incomes and regulatory levels are all comparable to US ones.

Conclusion

Fears about economising by outsourcing are essentially the same as fears about economising by introducing labour-saving machinery and automation. They rest on the same fallacy. This fallacy is that of looking only at the immediate effects on some persons or groups. A firm introduces a new machine or hires a

"In 1960 the average Third World worker had about 10% of an American industrial worker's wage. Today this has risen to 30%..."

cheap Indian and Joe Smith gets laid off. The fear-mongers tell us to keep an eye on Joe Smith, but make the mistake of *only* keeping an eye on Joe Smith, and ignoring Tom Jones who got a job making the machine, or working for the Indian's new higher wages, or to Mary Miller, who now has a job operating the machine, or on Ted Baker, who now has more money to spend as a result of being able to buy his trousers more cheaply, or Henry Tyler, who now has a job pulling the beers that Henry spends his savings on, etc. etc.

Notes

- (1) See Henry Hazlitt, *Economics in One Lesson*, Laissez Faire Books, 1946/1996, p36.
- (2) Johan Norberg, *In Defense of Global Capitalism*, Timbro, 2001, p191.



Richard Garner is a free-market anarchist living in Nottingham. He runs his own blog at <http://richardgarnerlib.blogspot.com>.



A real liberal party...

The time is ripe for political change in Germany. A new policy must regain the confidence of the people. A new policy—given the magnitude of the problems at hand—must be clear and bold of objective, rapid of pace. The FDP stands for a bold new start. For the FDP, the free and politically mature citizen is the highest principle on which we base our manifesto and on which we act. It is the citizen who refuses to shut his eyes and let things continue to drift.

Our manifesto is based on the following tenets:

- ◆ *Production before distribution*
- ◆ *Private responsibility before state regulation*
- ◆ *Liberty before equality*
- ◆ *Self-responsibility rather than faith in the state*
- ◆ *Equality of opportunities rather than egalitarian levelling*

From an English-language document found by your editor on the website (www.liberale.de) of the German Free Democratic Party (Freie Demokratische Partei), the ones who sit with our own Liberal Democrats in the EU parliament.

It is sobering to think that in these days when the Conservative Party is headed by a would-be darling of the BBC/*Guardian* set, such a defence of free-market liberalism would have a British politician condemned as a “swivel-eyed, right-wing extremist”. It also is worth noting—and this was a point highlighted by Dr Syed Kamall MEP in his recent talk to the SIF—that the FDP are *also* staunch advocates of “European integration”...

MINUTES OF THE 2006 SIF AGM

Date, time, and place: The meeting was held at 5.30pm on the 31st October 2006 at the Westminster Arms, 9 Storeys Gate, London, SW1P 3AT.

Members Present: Lord Monson, Michael Plumbe, Lucy Ryder, Dr Barry Bracewell-Milnes, Professor David Myddelton, Nigel Meek, Howard Hammond-Edgar, Don Furness, David Wedgwood, Peter Wakley, Jenny Wakley and others. An apology was received from Rhoda Zeffertt.

(1) **The minutes of the previous AGM** held on 4th October 2005 had been published in the February 2006 issue of *The Individual* and were approved *nem con*.

(2) **The Chairman's report** (as follows) was given by Michael Plumbe and was adopted *nem con*.



Meetings with Speakers: In November last year we held a memorable event. Eric Forth MP had been booked to host a luncheon earlier at the House of Commons but this had had to be cancelled because of the general election. So Eric kindly re-arranged the date for November. He said he would provide us with a few random thoughts but he gave us much more. His speech was a rousing "wake-up" call exposing how Great Britain is being taken over. Then only a short few months later he died. It is a tragedy that the country should lose so great a patriot when he had such a lot more to do. Nigel Meek attended the Memorial Service at Westminster Abbey representing the Society. Regrettably we have been unable to organise a Luncheon this year.

After our last AGM, Sean Gabb gave us one of his usual fluent presentations, recording the talk at the same time for his website. This too was a memorable occasion in that Chris Tame was able to be present; this was to be the last time we would meet him as he died not long afterwards. In his memory we invited Sean back to speak in June, when he reflected on the life and achievements of his friend. In the interim, in February, Dr Helen Szamuely gave us an interesting and worrying dissertation on the suffocating rules and regulations emanating from the EU and the contrary idea of the

"Anglosphere": that the major Anglophone nations have developed differently from others in politics, law, economics and constitution.. Tonight we look forward to hearing Dr Syed Kamall MEP.

It is good to report that attendances at our meetings have held up and that we see new faces from time to time. This is in no small way no doubt due to the publicity generated by Nigel Meek in the form of high-quality flyers and his distribution of information over the Internet. We thank him for his work here. We also thank our various speakers who have generously given of their time to prepare and deliver their talks.

Campaigns and Projects: I regret to report that we have not had much activity here this year. Tell-IT (information for patients and doctors alike) requires less attention now especially as Dr Alan Dean's organisation is operational. We hope that Peter Jackson will provide more information here from time to time. Our website continues to attract a fair amount of attention. Our webmaster Howard Hammond-Edgar and Nigel Meek between them ensure that material from *The Individual* appears on the website together with details about the Society. Our hit rate is reasonable and we have acquired a few new members as a result of visits. Sometime when we have available resources I would like to see us undertaking a project on Research into Censorship. This could be particularly relevant for SIF as Nigel Meek is also Editor of the Campaign Against Censorship. We should be helping him here.

On Identity Cards we still monitor with alarm the proposals for the introduction of this measure of "Citizen Control". The costs of course of the scheme keep escalating but this is to be expected. Any such Government-planned scheme is inevitably going to be hugely over-budget. This is worrying enough when one knows that, come what may, the plan is likely to be implemented. However the ramifications of being forced to carry cards at all times, as will happen, are most unpleasant to contemplate. Other bad legal matters, such as the operation and implementation of the Civil Contingencies Act and the emasculating of the Freedom of Information Act, exercise our minds. We would much welcome any

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help from members who can monitor and report on these things.

Let me mention here the invaluable work being done by Robert Henderson on privately disseminating mainly by email all manner of information about overweening, inept and costly government, both in the UK and, worse, from the EU. Robert also regularly contributes to *The Individual*. The Society is lucky to have such an active and well-informed person as a member.

The Individual: What can I say that I have not already said many times? Publishing *The Individual* is the single most important activity within the Society. The magazine carries authority and includes many interesting and relevant articles. All this is down to Nigel Meek, the Editor and author of some of the material. We owe a great debt to Nigel for his continued expert work here.

Choice in Personal Safety (CIPS): Don Furness personally puts in a great deal of time keeping CIPS afloat with but little support except from Dr Barry Bracewell-Milnes and a few other devotees. Yet the workings of legislation on safety (such as the compulsory use of seatbelts) do need monitoring to prevent “Nanny State” trying to control all aspects of human activity. Lord Monson has always said that drivers tend to drive more recklessly if they feel safely secured in their vehicles; I concur. So Don’s work in bringing to light the disadvantages of seat-belt legislation continues to be valuable. I repeat that Don has a valuable archive of material collected from the first years of the existence of CIPS. If anyone can help to store this, please let Don know.

Representation on Campaign for Freedom of Information (CFoI): The CFoI has been a bit more active this year and we are again supporting its efforts with a financial contribution. We have been unable to attend any of their meetings but Robert Henderson will do so if and when he can. Michael Champness also continues his longstanding interest in this area.

Officers and Committee: I must first record with sadness the death of Paul Anderton. I can remember a meeting some years ago when we needed an Editor for *The Individual*. The then Chairman Peter Campbell tentatively approached Paul who equally tentatively agreed to “have a go”. We all sighed with relief. Paul came up trumps and did an excellent job for a number of years. He also contrib-

uted to the activities of the Society in many other ways. He is much missed.

As in past years we organise committee meetings on the same days as our general meetings. Whilst this does sometimes curtail our committee discussions a bit, it saves a great deal of travelling for those who come from a distance.

There is little change to the list of people who have kept the Society functioning. Our Treasurer, Lucy Ryder, continues to hold the purse strings with an eagle eye (forgive the mixed metaphor). Nigel Meek has actively been pursuing recalcitrant members for their subscriptions, as Membership Secretary, with beneficial effect. This is in addition to his work spoken of above. Peter Jackson has had to curtail his contribution to the Society although he is still keenly interested in our doings. Jenny Wakley has again been abroad for part of the year but, with help again from Rhoda Zeffertt, has managed to cope with our secretarial matters and minutes. We continue to call on Lord Monson for advice and guidance when necessary and he attends as many meetings as he can. We have had little in the way of official functions for Cynthia Campbell-Savours to organise this year, sadly, but she remains on the committee to help when necessary. David Wedgwood also contributes to meetings when he can. Martin Ball has been absent from our gatherings for some time but I gather he hopes to resume his attendance soon.

Let me now speak of Dr Barry Bracewell-Milnes. Strictly this is a National Council matter but I would like to record it here. Barry is standing down this year as Chairman of the National Council, a post he has held for a number of years. The task is not unduly onerous but it does carry responsibility. Also he has helped with Society activities in various ways, particularly when responding to government proposals or when we needed a new Constitution. Barry has discharged his duties admirably and we shall be sorry to see him go. I am delighted to say that Professor David Myddelton has agreed to take up the post of Chairman of the National Council.

Finally I again gratefully acknowledge a sizeable donation from an individual member. It is this which has allowed us to publish *The Individual* as often as we have.

The Future: Societies such as ours are finding it increasingly difficult to keep going. People are less inclined to come out for evening meet-

“I am delighted to say that Professor David Myddelton has agreed to take up the post of Chairman of the National Council.”

ings; activists who can take on projects are harder to find; apathy is all around; youngsters have other things to do; no one wants to join committees now. Nevertheless we keep going, largely thanks to the one "youngster" we have, Nigel Meek. He, and we, need more support. Individual Freedom is increasingly being eroded. We must fight this where and when and how we can.



Following the Chairman's report, Robert Henderson reported that there had been no meetings of the Freedom of Information Campaign. He noted that applications under the Act had been made very difficult and expensive. He would continue to watch the Campaign.

(3) **The Treasurer's Report** was distributed to members by Lucy Ryder. She reported that we had had a good year. Our affluence depends on the generosity of one member who donated £1000, and without which we would be overdrawn. To avoid this we need to limit *The Individual* to two issues a year.

(4) **The members of the National Council** due for re-election who have agreed to continue to serve are: Michael Plumbe, Jenny Wakley and Rhoda Zeffertt and they were duly re-elected.

(5) **The following Officers of the Society** agreed to serve for the coming year and were duly re-elected: Lord Monson (President), Professor David Myddelton (Vice President), Sir Richard Body (Vice President), Dr Barry Bracewell-Milnes (Vice President), Lucy Ryder (Treasurer), Michael Plumbe (Chairman of the Executive Committee) and Jenny Wakley (Joint Hon Secretary). In addition, Rhoda Zeffertt has agreed to serve as Joint Hon Secretary and was duly elected.

(6) **Any Other Business:** Lord Monson expressed his appreciation of the work done by the Committee. Robert Henderson proposed that we should send out a newsletter every couple of months, but it was felt that this would involve too much extra work and expense.

MINUTES OF THE 2006 SIF NATIONAL COUNCIL MEETING

The meeting followed immediately after the Annual General Meeting.

(1) **Chairman's Report:** Professor David Myddelton, the new Chairman, reported that his position was not onerous but responsible. The National Council would look out for any trouble and stop it if it happens. The retiring Chairman, Dr Barry Bracewell-Milnes, had reported that there had been no trouble this year.

(2) **Election of Further Members of the Executive Committee:** Cynthia Campbell-

Savours (Social Secretary), Nigel Meek (Editor and Membership Secretary), Howard Hammond-Edgar (Webmaster) and Don Furness (Chairman of Choice in Personal Safety) were re-elected to serve another year. Rhoda Zeffertt and David Wedgwood were elected to serve another year as members of the Executive Committee.

(3) **Any Other Business:** None

The meeting closed at 5.55pm.

"... there had been no trouble this year."

A senior Officer of the SIF addresses the AGM



THE NOT SO MUCH FREEDOM OF INFORMATION ACT

Robert Henderson

Introduction

On 28th November 2006 the Campaign for Freedom of Information (CFOI) held a briefing on the Government's proposals to neuter the Freedom of Information Act (FOIA). I attended the briefing on behalf of the SIF. The meeting was fronted by James Cornford (co-chair of CFOI) and Maurice Frankel (Director of CFOI). More than thirty people attended from a wide variety of organisations including Liberty, the NUJ, N02ID, Demos, the Law Society and the BBC. One MP, Richard Shepherd, sent a representative.

The CFOI held a second briefing on 19th December which Maurice Frankel conducted single-handed. Those attending were much the same as those who attended the previous briefing.

The meeting of the 28th November 2006 and the proposed changes

At present, virtually unlimited FOIA requests can be made, the one restriction being the £600 (central government) and £450 (local government and all other non-central government qualifying bodies, e.g., NHS, police) cost limits set by the FOIA. If the cost of providing the information exceeds these, the body applied to can refuse to supply the information (in principle they can be forced to justify their costings, but this would be very difficult in practice—see below). It is particularly important to understand that if an application goes over a limit it is not a case of the applicant being allowed to pay any amount over the limit and getting the information that way. The limit is absolute. Go over it and the information can be refused regardless of any willingness to pay.

At present the cost of servicing an FOIA request is calculated only on the time taken to find and prepare the information before supplying it to the requester (everyone's time, no matter what their position, is calculated at £25 an hour). The Government intends to extend into the costings the time spent by ministers and officials considering whether a request should be granted or whether it falls foul of one of the exemptions in the FOIA.

This could have very wide consequences, especially at the level of central government, where many requests would be considered "difficult" and in need of substantial consultation and consideration. The general consequence of this change would be to push many FOIA requests which now fall under the spending limits over them.

It would clearly be difficult, especially for individuals, to challenge costings of such work. A complaint about over-pricing could in principle be made to the Information Commissioner (IF)—whose office polices the FOIA as well as the Data Protection Act (DPA)—but that runs into two difficulties: (1) whether the IF would wish to become involved in judgements of how much time is spent considering the legitimacy of a request and (2) the capacity of his office to do this even if he in principle was willing to do it—his office only has around 200 staff to deal with both the FOIA and DPA and there are already horrendous delays in dealing with complaints of other sorts.

Complex requests and requests covering new ground would be very vulnerable to exceeding the limits. Most in danger would be anything politically sensitive, not least because ministers would almost certainly become involved in the decision-making about whether to release the material. A report by Frontier Economics entitled *Independent Review of the Impact of the FOIA*, calculated that one in five requests to government departments went to a minister (p. 38) and that the average cost of the minister's involvement was £137 (five and half hours at £25 per hour (p. 2)).

The costing is all one way. There is no costing of time being consumed because of the recipient of an FOIA request being incompetent or obstructive. Hence, in principle, the recipient of an FOIA request could push the costs over the spending limits by their own actions, wilfully dishonest or otherwise.

Even more perniciously, the Government wishes to permit the cost of separate and unrelated requests from an individual or organisation to be added together (closely related requests can already be aggregated and, if the

"The general consequence of this change would be to push many FOIA requests which now fall under the spending limits over them."

total sum exceeds the £600 or £450 limits, to allow the data holder to refuse to supply the information). In principle this would have the effect of preventing the individual or organisation from making a further FOIA application for a substantial period, probably 60 days (this is the period which is used for aggregating the costs of closely related requests as the regulations already stand). This could potentially stymie even the largest and best funded organisation—James Cornford gave the example of the BBC which makes 2,000 or so FOIA requests a year. I made the point that it would not be the large organisations such as the BBC who would be worst hit because they could get 2,000 members of staff to make applications in their own names as individuals (the BBC has approximately 26,000 staff). The people who would suffer most would be individuals and small organisation.

Clearly, either of the proposed changes would seriously restrict the effective operation of the Act, not only by restricting what could be sought but also by actively discouraging individuals and organisations from using the Act. The onus on organisations would be not to use the Act except in the most important instances to avoid exhausting their £600 or £450 limit for a given period.

Interestingly, the one area which is left untouched by the proposed regulation changes are the aspects of FOI covered by the Environmental Information Regulations 2004 (EIR). These remain unchanged because EU law covers the environment (including access to information) and consequently cannot be changed unilaterally by Britain (the FOIA and the EIR are separate legal entities).

In addition to these two major changes, Maurice Frankel also expressed concern about the way the definition of “vexatious requests” had been broadened by the Information Commissioner. The common-sense concept of harassment, which was caught by the original definition, has been expanded to include the notion that requests “which cause a significant burden and have the effect of harassing the authority, or clearly serve no useful purpose or clearly involve exempt which cannot be disclosed” [Maurice Frankel] are also harassment.

Maurice Frankel said that there appeared to have been no proper assessment of the working of the existing regulations before the proposed regulation changes were brought forward. Frontier Economics calculates that the

total cost of the Act to date, including the Information Commissioner’s Office and the Information Tribunal, has been £35.5 million. This has to be set in the context of a total UK budget spend in 2006/7 of approximately £500 billion. In short, it is trivial. The driving force behind the change is obviously something other than cost. If one is charitable it could be ascribed at least in large part to the amount of ministers’ and senior public servants’ time it consumes; the uncharitable will say the prime reason for the proposed changes is the desire to hide embarrassing information from the public.

James Cornford believes the moving force behind the proposed changes is the Home Office because they are desperate to stem the flood of damaging revelations. No formal consultation is taking place before a decision is made on what if any change is made to the regulations, although the Department of Constitutional Affairs (DCA) is consulting the DCA’s ‘Information Rights User Group’. The Government paper containing the proposals merely states “The Government will take stock of the response to [these proposals] ... before bringing forward secondary legislation”, this despite the Cabinet Office’s public position that “Government Departments should carry out a full public consultation whenever options are being considered for a new policy or if new regulation is planned.”

The CFOI wants as many organisations as possible to submit protests to the DCA as soon as possible and send the CFOI a copy.

The CFOI also asked that examples of information gained by the use of the FOIA be sent to the CFOI for them to use as evidence. (I have submitted the example of the data obtained from the Department for Culture Media and Sport about the voting on the English Icons website.)

As to what other action can be taken, there was a split between those who wanted to concentrate on MPs, especially dissident Labour MPs, and those who favoured a grass roots approach. I stood on the concentrate-on-the-MPs side of the argument because I do not believe this is a subject which has a great deal of resonance with the general public. After the meeting I also raised the question of using the Lords to obstruct the changes.

“The people who would suffer most would be individuals and small organizations.”

The meeting of the 19th December 2006

The Government has now published the draft regulations to implement the changes—*Draft Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007*, and a consultation document (the regulations and official commentary) on them can be found at <http://www.dca.gov.uk/consult/dpr2007/cp2806-condoc.pdf>.

The Government will take representations from the public until 8th March 2007—these can be emailed to information-rights@dca.gsi.gov.uk. The final regulations will be published on 19th March and will come into force on 17th April. The Government is patently in a hurry to get these through. The changes will be made by Statutory Instrument.

The draft regulations are slightly weaker than had been feared but not much weaker. The small concessions made by the Government to campaigners' fears will probably be of little practical consequence. Both the taking into account of consideration and consultation time in the calculation of cost and the aggregation of requests remain.

The consideration and consultation costs will be capped (£400 each for central Government and Parliament and £300 for other public bodies) "to ensure that a request cannot exceed the appropriate limit because of the cost of either consideration or consultation alone" (the proposals, para 3 of the consultation document). This is some protection against FOI applications being cynically over-priced to get rid of a difficult request, but if the consultation and the consideration costs added together either exceed, or are estimated to be likely to exceed, the £600 or £450 cost limits, for example, £400 consideration plus £300 consultation, an FOI request could be refused on those costs alone and on estimated rather than actual costs at that. As a single person's time is charged at £25 an hour, the £400 limit would be met in 16 hours. Moreover, it is unclear how many people could be included in the consideration or consultation process. It is conceivable that the £400 and £300 limits could be very rapidly reached if the time of two or more people is added up.

Consulting will include "the costs of time spent consulting with any persons except the applicant. This would include consultation

with other public bodies" (para 6, Executive Summary of the consultation document).

It is implicit within the draft regulations that only the time spent by the body to whom the FOIA request is made may be taken into account—the draft regulations state that the costs must be only those "which it [the body to whom the FOIA request is made] reasonably expects to incur". The time spent by other public bodies they consult cannot be taken into account.

Thresholds have been set for consideration and consultation time ("additional costs thresholds")—£100 for central Government and Parliament, £75 for other public bodies. The thresholds apply separately to consideration and consultation time. If the consideration or consultation time falls below the threshold, it cannot be included in the overall cost limits of £600 and £450; if either or both rise above the threshold, the full cost can be included in the overall costing.

The aggregation of FOI requests from the same organisation or individual occurs when the applicant is/are judged to be "acting in concert or in pursuance of a campaign" (Statutory Instrument 7.1) and "These requests relate, to any extent, to the same or similar information" (SI 7.2 (i)) or "It is reasonable in all the circumstances" to deny the request (SI 7.2 (ii)).

The aggregating of requests will not be retrospective, but in judging requests from the point at which the new regulations come into force, account may be taken of "disruptive and uncooperative behaviour" by applicants during FOI requests made before the new regulations take effect.

Maurice Frankel thinks that the interpretation of these regulations will be stricter for organisations than individuals.

I raised the question of the status of the Statutory Instruments (SIs) introducing the regulations because some are resisted more easily than others. The exact status of the SIs was not known at the meeting but I have since checked the SIs and they are subject to the "Negative Resolution Procedure". The official Parliamentary website says of these (<http://www.parliament.uk/documents/upload/107.pdf>), "Such instruments become law unless there is an objection from the House... the instrument is laid in draft and cannot be

"The Government is patently in a hurry to get these through."

made if the draft is disapproved within 40 days (draft instruments subject to negative resolution are few and far between).”

Conclusion

In short, the Government is so desperate to get these SIs through quickly that they have cho-

sen a rarely used procedure which makes their rejection very difficult—a rejecting resolution would have to be passed by either the Commons or the Lords. It would be naïve to imagine that the motive for the changes is anything other than a desire gravely to dilute the efficacy of the Act.

THE AGE OF PUBLIC PROTECTION: A VIEW FROM INSIDE

Daniel Chadwick

“... the overall prison conspiracy, i.e., you have no will, you have no choice or control so be wise - surrender.”

- George Jackson, *Soledad Brother* (1970)

Nowhere is the domestic power of the state more covert and destructive than within the Criminal Justice System, or as Solzhenitsyn called it, ‘The Waste Disposal System’. It would be safe to say that once it gets its claws into you it’s almost impossible to get them off. One is branded, humiliated, and mentally disabled in sometimes very subtle ways. For all its admirable philanthropic aims—rehabilitation, resettlement etc.—the Criminal Justice System still continues to punish the weakest members of society until they are forced to drop out altogether. What can one expect of an ideology that condones the squeezing of people into tiny boxes like so many dangerous animals? Enlightenment, progressive, humane, it certainly is not.

I have lived in prison for over four and a half years so I believe I am qualified to speak fairly knowledgeably about what I have seen thus far. I am not a repeat offender nor am I a lifer—I am someone whose predilection for alcohol got them into an abnormal situation with dire consequences. I can only vaguely recall the alleged offence and do not believe I am guilty, for the reasons stated below.

This strange Orwellian drama began to unfold the moment the police rendered me briefly unconscious by throwing me to the pavement upon arrest. I was not taken to hospital but interviewed some hours later without a clue as to what I was accused of. Kafka anyone? Despite this lack of memory I pleaded guilty. My solicitor was not interested in defending me.

When I asked him why witness statements contradicted each other, he replied, ‘Witnesses often get confused.’ I believed him. Why? Because I was stuck in a Victorian prison cell without heating, water or electricity. A plastic bucket served as a toilet. The year was not 1984—it was 2001. I wanted out of there ASAP. I pleaded guilty because my barrister told me the judge would be ‘irritated’ if I took too long to make up my mind. I signed the dotted line and got six years. But it was not so bad—or so I thought initially. Only two years were to be spent in custody, the rest would be served in the community under the Cyclopean gaze of the Probation Service. It was to be four years of careful nurturing and encouragement by an underfunded, poorly trained branch of the Criminal Justice System whose powers included the right to return me to prison at any time if I ‘jeopardised the objectives of my rehabilitation’. This is meant to be part of the resettlement process. To me it smacks of living under a totalitarian bureaucratic regime.

So there I was in early 2002, a new prisoner with a four-digit number, ready to embrace psychological treatment to make me better and turn me into a valuable, productive member of society. I was to learn the error of my ways by being shown the effect of crime on victims. I was to learn new ways of thinking (‘Enhanced Thinking Skills’), and I was to deal with that pesky alcohol problem by accepting responsibility for my errant behaviour and ‘cognitive distortions’.

I met monsters and madmen, the dregs of society, the ones Marx called the *lumpenproletariat*. Some of these men were so disturbed that prison drove them to the brink of suicide and occasionally gave them a nudge to help

“So there I was in early 2002, a new prisoner with a four-digit number...”

them on their way. These were men who had grown up in such appalling circumstances that there could have been no other result except madness, prison and/or suicide.

Why were they in prison when they so clearly needed psychiatric treatment? Because there weren't enough places within the Mental Health Service to cope with them. It was easier (and cheaper) to chuck them into small boxes behind thick stone walls for year upon year, than to give them the most basic humane intervention. Needless to say, many of them came back to prison, which gave the Courts a valuable opportunity to try out new Draconian prison sentences - automatic 'Life' or Public Protection Sentence (1 to 99 years). They would sit there for decades until the time came when they were so incapacitated by age, i.e. sixty years, that they would be allowed a few years of clipped freedom before being dragged off this mortal coil. Better the death sentence, some say. But I disagree - living death is worse, a lucid nightmare from which one can never awake. However, there are opportunities for getting out before then. You can plead guilty (even if you aren't) and do course after course after course to prove you are no longer 'a risk to society'. Some of the methods used in such treatment are not dissimilar to those portrayed by Anthony Burgess in 'A Clockwork Orange'.

It was with considerable relief that I returned home in the spring of 2003 to start a new life. Well, when I say 'returned home', I mean that I was back in society. I actually had to stay with relatives because Housing Benefit ceased paying for my flat six months into my sentence (NB: another consequence of imprisonment: homelessness). I went to a recruitment agency with whom I had had prior dealings but once I told them I had a criminal record they lost interest, despite my experience and qualifications up to degree level. All in all, I had to attend the Probation Office over 70 times per year. I had to see an alcohol counsellor who, despite being a nice lady, was rather short of practical guidance.

'Try watering down your drinks,' was one priceless gem of advice. I also had to do a psychological course which aimed to uncover and address our motivations for offending. Strangely enough a lot of categories were applicable to us and 90% of the population, rather like the star sign readings in the newspapers. According to their report I was:

1. A loner

2. Unable to maintain long-term relationships
3. Driven to control
4. Had poor emotional control, e.g. depression, anxiety, anger (which rather contradicts the above)
5. Prone to 'grievance thinking', i.e. sulking

Now who does not, at one time or another, demonstrate such characteristics? Are there not times when we would rather be alone? Is living in a flat on the breadline when one's friends are getting married and going to university not a recipe for a diminished social life? Couldn't this adversely affect one's emotional state? Don't relationships tend to suffer when one drinks too much and has no inclination, on principle, to settle down? I felt like a living Rorschach inkblot, changing into any shape they so desired according to their opinion. When I argued against such labelling they accused me of 'minimising', 'rationalising', and displaying 'grievance thinking'. It was even noted in my report that I was seen 'smirking' at an Alan Bennett video during one of the sessions! I wrote to Mr Bennett who replied sagely that a smirk is 'an unsympathetically observed smile.' Spot on!

I felt trapped in a bureaucratic nightmare watching incorrect statements build up in my file with the stamp of truth and authority to weight them. Who was I to argue with a 'tried and tested' psychological profiling system?

I *had* to agree, just as I had done when I pleaded guilty to an alleged offence I could not remember perpetrating. To make such decision-making simpler I had the choice of accepting what they said about me or returning to prison for up to four years. In effect I was being gagged.

When a legally-astute friend of mine looked through the Prosecution depositions she found numerous anomalies. Why did witness statements contradict each other? Why was my solicitor allowed to advise me when he was not qualified to do so? Why was there an 'invalid committal' to Crown Court? Why was I virtually incoherent when I arrived at the police station when just 20 minutes before I had been lucidly discussing the bombing of Afghanistan? As soon as I began to raise such concerns, my Probation Officer changed her attitude towards me. She said that I was now drinking too much and this was affecting my ability to participate in the group therapy. A

"I felt trapped in a bureaucratic nightmare watching incorrect statements build up in my file..."

final warning arrived by post. 'A final warning?' I asked. 'It's your first and final warning,' she replied.

The police arrived the next morning, leaving me a minute or two to say goodbye to my girlfriend. Laughing and joking with each other, the police drove me to a local police station from where I was dispatched back to prison.

I have remained behind bars ever since. The Parole Board has twice refused to release me on the grounds that I have not completed enough 'offending behaviour' work.

Prison numbers are at a record high, and no wonder. Around 10-15% of the prison population are recalled from the community. They are not given enough support and find it very difficult to gain employment; they are often

homeless, mentally ill and/or addicted to drink or drugs.

It is not surprising, therefore, that the Probation Service, who endeavour to please the Government by appearing tough on offenders, find any excuse to revoke people's licences. Statistics are then bandied about by Probation Area Managers saying that they are doing a good job at protecting the public because so many offenders have been recalled. Doesn't this really indicate that the Probation Service is doing a poor job in helping released prisoners to re-integrate into society?

But then, what can be expected from a system that masquerades punishment as rehabilitation and alienation as resettlement?

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Daniel Chadwick can be contacted via the SIF.

"They are not given enough support and find it very difficult to gain employment..."

Against the NHS...

The Labour Party can't run the NHS because the NHS can't be run. I don't think any other political party could do any better. But we are never going to get a decent healthcare system while people still think that Bevan was a hero rather than a disaster. There are better models in other countries. No other country has copied the NHS model - for a very good reason: it doesn't work because its ideas are wrong. They are unworkable:

- *If resources are distributed according to need, people compete to establish their need.*
- *If services are free at the time of need, people consider their own needs to be vital regardless of the needs of others.*
- *If the State takes responsibility for all individuals then personal freedom is lost and we are simply cogs in the government wheel.*

The solution is the same as with any business: pay for quality and compete to provide it. A minimum State (or preferably charities) could pay for those who really cannot care for themselves - and these are far fewer than the number who currently depend upon the State in one way or another. In 1945 the Labour Party, with best intentions that were poorly thought out, created a self-obsessed and uncaring society. That is the true legacy of Attlee and Bevan. Patricia Hewitt is merely the latest in a long line of Health Secretaries who have been expected to do an impossible job. Dr Robert Lefever, www.robortlefever.co.uk, 26th January 2007

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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.

Joining the SIF

If you broadly share our objectives and wish to support our work, then please write to us at the address on this page, enclosing a cheque for £15 (minimum) made payable to the Society for Individual Freedom.

The Law of Equal Freedom

*"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