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- Free markets yes, a new feudalism no
- The assault on liberty and free speech
- Update on the SIF's activities in the last year

## BUT MR BLAIR, "POLICE STATE" IS A RATHER ACCURATE DESCRIPTION

Readers of *The Individual* may recall Tony Blair's synthetic outrage when, at Prime Minister's Question Time on the 9<sup>th</sup> November 2005, one Conservative MP called out "police state" in response to Mr Blair's desire to allow 90-day detention without charge of terrorism suspects. In other words to repeal the 790-year-old principle of *habeas corpus*, codified in *Magna Carta*. "We are not living in a police state", replied Mr Blair. Oh really?

In my own essay on the Backlash campaign, I suggest that proposals to outlaw certain types of pornography featuring consenting adults ought to be seen, when taken alongside provisions in the *Racial and Religious Hatred Bill* and the *Terrorism Bill*, as a concerted attack by this government on free speech.

Moreover—and with barely a whimper from a dumbed-down media let alone a supine public—we have seen in this country the overthrow of what were once considered cornerstones of justice in the English-speaking world. Under the provisions of the *Criminal Justice Act 2003*, November 2005 witnessed the first instance of someone being re-tried for an offence—murder, in this case—having previously been acquitted of it. In short, the abandonment of the double jeopardy principle. Aside from the principle involved we

can be sure that the police and prosecution's work will become even more slipshod. Why go to the bother of doing a good job the first time around if you can always have another go at it later on?

In both October and November 2005, under provisions of the same *Act*, we saw other cases where defendants were convicted of murder at least in part because the prosecution was allowed to present evidence of the defendant's previous bad character. This means that the authorities no longer have to produce evidence that the defendant was even at the scene of the crime. All that they have to do is to convince a jury that the defendant (a) cannot produce a convincing alibi—e.g. one corroborated by independent witnesses—and that (b) he or she is of previous bad character. In essence, this reverses the burden of proof. I almost prefer the *Sweeney*-era tactics of the police planting a gun in the car of a villain "overdue a tug". At least the law itself wasn't corrupted.

So far the abandonment of both principles has been put to use in the cases of undoubted criminals, and particularly vile ones at that. But the principle has been conceded and it is very possible that an increasingly incompe-

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## CONTRACT FEUDALISM

Kevin A. Carson

### What is “Contract Feudalism”?

Elizabeth Anderson recently coined the term “contract feudalism” to describe the increasing power of employers over employees’ lives outside the workplace.

According to Anderson, one of the benefits that the worker traditionally received in return for his submission to the bosses’ authority on the job was sovereignty over the rest of his life in the “real world” outside of work. Under the terms of this Taylorist bargain, the worker surrendered his sense of craftsmanship and control over his own work in return for the right to express his “real” personality through consumption in the part of his life that still belonged to him. This bargain assumed

*the separation of work from the home. However arbitrary and abusive the boss may have been on the factory floor, when work was over the workers could at least escape his tyranny... [T]he separation of work from home made a big difference to workers’ liberty from their employers’ wills.<sup>1</sup>*

Wage labor, traditionally, has involved a devil’s bargain in which you “sell your life in order to live”: you cut off the eight or twelve hours you spend at work and flush them down the toilet, in order to get the money you need to support your real life in the real world, where you’re treated like an adult human being. And out in the real world, where your judgment and values actually matter, you try to pretend that that other hellhole doesn’t exist.

At the same time, Anderson points out, this separation of work from home depends entirely on the relative bargaining power of labor for its enforcement. (I’ll return to this, the central issue, later on.)

### The Shift in Power

But it’s apparent that the bargaining power of labor is shifting radically away from workers. For all too many employers, the traditional devil’s bargain is no longer good enough. Employers (especially in the service sector) are coming to view not only the employee’s labor-power during work hours, but the employee himself as their property. White collar and service workers are expected to live on-call 24 hours a day: that thing they used to call “home” is just the shelf they’re

stored on when their owner isn’t using them at the moment. And the boss has a claim on what they do even during the time they’re not on the clock: the political meetings you attend, whether you smoke, the things you write on your blog—nothing is really yours. Most people who blog on political or social issues, probably, fear what might turn up if the Human Resources Gestapo do a Google on them. As for the job search itself—good God! You’ve got to account for every week you’ve ever spent unemployed, and justify what use you made of your time without a master. If you were ever self-employed, you might be considered “overqualified”: that is, there’s a danger you might not quite have your mind right, because you don’t need the job badly enough. Not to mention the questions about why you left your past job, the personality profiling to determine if you’re concealing any non-Stepford Wife opinions behind a facade of obedience, etc... It’s probably a lot like the tests of “political reliability” to join the old Soviet Communist Party.

Examples of contract feudalism have been especially prominent in the news lately. The example Anderson herself provided was of Michigan-based Weyco, whose president forbade his workers to smoke “not just at work but anywhere else.” The policy, taken in response to rising cost of health coverage, required workers to submit to nicotine tests.<sup>2</sup>

Another recent example of “contract feudalism” is the saga of Joe Gordon, owner of the Woolamaloo Gazette blog, who was fired from the Waterstone’s bookstore chain when it came to his bosses’ attention that he’d made the occasional venting post after a particularly bad day at work.<sup>3</sup>

Yet another is a National Labor Relations Board (NLRB) ruling that allowed employers to prohibit employees from hanging out off the job. Here is the gist of it, from a Harold Meyerson piece at the *Washington Post*:

*On June 7 the three Republican appointees on the five-member board that regulates employer-employee relations in the United States handed down a remarkable ruling that expands the rights of employers to muck around in their workers’ lives when they’re off the job. They upheld the legality of a regulation for uniformed employees at Guardsmark, a security guard company, that reads, “[Y]ou must NOT... fraternize on duty or off*

“Employers... are coming to view... the employee himself as their property.”

*duty, date or become overly friendly with the client's employees or with co-employees.*"<sup>4</sup>

### The "Vulgar Libertarian" Response and its Errors

Many free market libertarians instinctively respond to complaints about such policies by rallying around the employer. One commenter, for example, said this in response to Elizabeth Anderson's post at *Left2Right* blog: "It's a free market. If you don't like your employer's rules, then work somewhere else." One of the most common libertarian defenses of sweatshops, likewise, is that they must be better than the available alternatives, since nobody is forced to work there.

Well, yes and no. The question is, who sets the range of available alternatives? If the state limits the range of alternatives available to labor and weakens its bargaining power in the labor market, and it acts in collusion with employers in doing so, then the "free market" defense of employers is somewhat disingenuous.

I use the term "vulgar libertarian" to describe this "What's good for General Motors" understanding of "free market" principles, which identifies the free market with the interests of employers against workers, big business against small, and the producer against the consumer. As I described it in *Studies in Mutualist Political Economy*:<sup>5</sup>

*Vulgar libertarian apologists for capitalism use the term "free market" in an equivocal sense: they seem to have trouble remembering, from one moment to the next, whether they're defending actually existing capitalism or free market principles. So we get [a] standard boilerplate article... arguing that the rich can't get rich at the expense of the poor, because "that's not how the free market works"—implicitly assuming that this is a free market. When prodded, they'll grudgingly admit that the present system is not a free market, and that it includes a lot of state intervention on behalf of the rich. But as soon as they think they can get away with it, they go right back to defending the wealth of existing corporations on the basis of "free market principles."*

The fact is, this is not a free market. It's a state capitalist system in which (as Murray Rothbard put it in "The Student Revolution") "our corporate state uses the coercive taxing power either to accumulate corporate capital or to lower corporate costs."<sup>6</sup> As Benjamin Tucker wrote over a century ago:

*...It is not enough, however true, to say*

*that, "if a man has labor to sell, he must find some one with money to buy it"; it is necessary to add the much more important truth that, if a man has labor to sell, he has a right to a free market in which to sell it,—a market in which no one shall be prevented by restrictive laws from honestly obtaining the money to buy it. If the man with labor to sell has not this free market, then his liberty is violated and his property virtually taken from him. Now, such a market has constantly been denied, not only to the laborers at Homestead, but to the laborers of the entire civilized world. And the men who have denied it are the Andrew Carnegies. Capitalists of whom this Pittsburgh forger-master is a typical representative have placed and kept upon the statute-books all sorts of prohibitions and taxes (of which the customs tariff is among the least harmful) designed to limit and effective in limiting the number of bidders for the labor of those who have labor to sell..*

*...Let Carnegie, Dana & Co. first see to it that every law in violation of equal liberty is removed from the statute-books. If, after that, any laborers shall interfere with the rights of their employers, or shall use force upon inoffensive "scabs," or shall attack their employers' watchmen, whether these be Pinkerton detectives, sheriff's deputies, or the State militia, I pledge myself that, as an Anarchist and in consequence of my Anarchistic faith, I will be among the first to volunteer as a member of a force to repress these disturbers of order and, if necessary, sweep them from the earth. But while these invasive laws remain, I must view every forcible conflict that arises as the consequence of an original violation of liberty on the part of the employing classes, and, if any sweeping is done, may the laborers hold the broom! Still, while my sympathies thus go with the underdog, I shall never cease to proclaim my conviction that the annihilation of neither party can secure justice, and that the only effective sweeping will be that which clears from the statute-book every restriction of the freedom of the market...<sup>7</sup>*

But whatever restrictions could he possibly have been talking about? To read mainstream "free market" defenses of existing employment relations, you'd get the idea that the only restrictions on the freedom of the market are those that hurt the owning classes and big business (you know, the "last persecuted minority").

In fact, such vulgar libertarian apologetics share a very artificial set of assumptions: see, laborers *just*

"Many free market libertarians instinctively respond... by rallying around the employer."

*happen* to be stuck with this poor set of options—the employing classes have absolutely nothing to do with it. And the owning classes *just happen* to have all these means of production on their hands, and the laboring classes just happen to be propertyless proletarians who are forced to sell their labor on the owners' terms. The possibility that the employing classes might be *directly implicated* in state policies that reduced the available options of laborers is too ludicrous even to consider.

It's the old nursery-tale of primitive accumulation. "Lenin" of Lenin's Tomb blog recalls being exposed to it in the government schools:

*The illusion of a free and equal contract between employee and employer is one that exerts considerable hold, particularly given the paucity of industrial conflict over the last fifteen years. The thought that the situation might be rigged in advance, by virtue of the capitalists' control of the means of production, is so obvious that it eludes many people who otherwise place themselves on the Left.*

*In part, this is because people are prepared from an early age to expect and accept this state of affairs. In high school Business Studies class, I was shown along with my classmates a video sponsored by some bank which purported to demonstrate how the division of labour came about. It all took place, it seemed, in a relatively benign and peaceful fashion, with no intruding political questions or economic phases. From the cavemen to cashcards, it was really all about work being broken down into separate tasks which would be undertaken by those most able to do them. Then, finding contact with nearby villages, they would trade things that they were good at making for the things that the other villages were good at making... The only interesting thing about this propaganda video is that it raised not a single eyebrow—as how could it? One is led to expect to work for a capitalist without seeing anything necessarily unjust about it, and one has nothing to compare it to. The worker is taught to sell herself (all those job interview training schemes) without perceiving herself as a commodity.<sup>8</sup>*

I had a similar reaction to all those passages on time-preference in Bohm-Bawerk and Mises that just accepted, as a matter of course, that one person was in a position to "contribute" capital to the production process, while another for some mysterious reason needed the means of production and the labor-fund that were so graciously "provided."

The most famous critic of this nursery-tale, of course, was the state socialist Karl Marx:

*In times long gone-by there were two sorts of people; one, the diligent, intelligent, and, above all, frugal elite; the other, lazy rascals, spending their substance, and more, in riotous living. The legend of theological original sin tells us certainly how man came to be condemned to eat his bread in the sweat of his brow; but the history of economic original sin reveals to us that there are people to whom this is by no means essential. Never mind! Thus it came to pass that the former sort accumulated wealth, and the latter sort had at last nothing to sell except their own skins. And from this original sin dates the poverty of the great majority that, despite all its labour, has up to now nothing to sell but itself, and the wealth of the few that increases constantly although they have long ceased to work.<sup>9</sup>*

But the criticism was by no means limited to statisticians. The free market advocate Franz Oppenheimer wrote:

*According to Adam Smith, the classes in a society are the results of "natural" development. From an original state of equality, these arose from no other cause than the exercise of the economic virtues of industry, frugality and providence...*

*[C]lass domination, on this theory, is the result of a gradual differentiation from an original state of general equality and freedom, with no implication in it of any extra-economic power...*

*This assumed proof is based upon the concept of a "primitive accumulation," or an original store of wealth, in lands and in movable property, brought about by means of purely economic forces; a doctrine justly derided by Karl Marx as a "fairy tale." Its scheme of reasoning approximates this:*

*Somewhere, in some far-stretching, fertile country, a number of free men, of equal status, form a union for mutual protection. Gradually they differentiate into property classes. Those best endowed with strength, wisdom, capacity for saving, industry and caution, slowly acquire a basic amount of real or movable property; while the stupid and less efficient, and those given to carelessness and waste, remain without possessions. The well-to-do lend their productive property to the less well-off in return for tribute, either ground-rent or profit, and become thereby*

"... the employing classes... directly implicated in state policies that reduced the available options of laborers..."

*continually richer, while the others always remain poor. These differences in possession gradually develop social class distinctions; since everywhere the rich have preference, while they alone have the time and the means to devote to public affairs and to turn the laws administered by them to their own advantage. Thus, in time, there develops a ruling and property-owning estate, and a proletariat, a class without property. The primitive state of free and equal fellows becomes a class-state, by an inherent law of development, because in every conceivable mass of men there are, as may readily be seen, strong and weak, clever and foolish, cautious and wasteful ones.<sup>10</sup>*

### How We Got Where We Are Now

In the real world, of course, things are a little less rosy. The means of production, during the centuries of the capitalist epoch, have been concentrated in a few hands by one of the greatest robberies in human history. The peasants of Britain were deprived of customary property rights in the land, by enclosures and other state-sanctioned theft, and driven into the factories like cattle. And the factory owners benefited, in addition, from near-totalitarian social controls on the movement and free association of labor; this legal regime included the *Combination Acts*, the *Riot Act*, and the law of settlements (the latter amounting to an internal passport system).

By the way: if you think the above passages are just Marxoid rhetoric, bear in mind that the ruling class literature of the early industrial revolution was full of complaints about just how hard it was to get workers into the factories: not only were the lower classes not flocking into the factories of their own free will, but the owning classes used a great deal of energy thinking up ways to force them to do so. Employers of the day engaged in very frank talk, as frank as that of any Marxist, on the need to keep working people destitute and deprive them of independent access to the means of production, in order to get them to work hard enough and cheaply enough.

Albert Nock, surely nobody's idea of a Marxist, dismissed the bourgeois nursery-tale with typical Nockian contempt:

*The horrors of England's industrial life in the last century furnish a standing brief for addicts of positive intervention. Child-labour and woman-labour in the mills and mines; Coketown and Mr. Bounderby; starvation wages; killing hours; vile and hazardous conditions of labour; coffin ships officered by ruffians—all these are glibly charged off by reformers and publicists to a regime of rugged indi-*

*vidualism, unrestrained competition, and laissez-faire. This is an absurdity on its face, for no such regime ever existed in England. They were due to the State's primary intervention whereby the population of England was expropriated from the land; due to the State's removal of the land from competition with industry for labour. Nor did the factory system and the "industrial revolution" have the least thing to do with creating those hordes of miserable beings. When the factory system came in, those hordes were already there, expropriated, and they went into the mills for whatever Mr. Gradgrind and Mr. Plugson of Undershot would give them, because they had no choice but to beg, steal or starve. Their misery and degradation did not lie at the door of individualism; they lay nowhere but at the door of the State. Adam Smith's economics are not the economics of individualism; they are the economics of landowners and mill-owners. Our zealots of positive intervention would do well to read the history of the Enclosures Acts and the work of the Hammonds, and see what they can make of them.<sup>11</sup>*

Even in the so-called "free market" that supposedly ensued by the mid-19<sup>th</sup> century, the owners of capital and land were able to exact tribute from labor, thanks to a general legal framework that (among other things) restricted workers' access to their own cheap, self-organized capital through mutual banks. As a result of this "money monopoly," workers had to sell their labor in a "buyer's market" on terms set by the owning classes, and thus pay tribute (in the form of a wage less than their labor-product) for access to the means of production. Thus the worker has been robbed doubly: by the state's initial use of force to forestall a producer-owned market economy; and by the state's ongoing intervention that forces him to sell his labor for less than his product. The vast majority of accumulated capital today is the result, not of the capitalist's past labor and abstention, but of robbery.

So even in the so-called "laissez-faire" 19<sup>th</sup> century, as Tucker described the situation, the level of statist intervention on behalf of the owning and employing classes was already warping the wage system in all sorts of authoritarian directions. The phenomenon of wage labor existed to the extent that it did only as a result of the process of primitive accumulation by which the producing classes had, in previous centuries, been robbed of their property in the means of production and forced to sell their labor on the bosses' terms. And thanks to the state's restriction of self-organized credit and of access to unoccupied land, which enabled the owners of artificially scarce land and capital to charge tribute for access

**"... the ruling class literature of the early industrial revolution was full of complaints about just how hard it was to get workers into the factories..."**

to them, workers faced an ongoing necessity of selling their labor on still more disadvantageous terms.

The problem was exacerbated during the state capitalist revolution of the 20<sup>th</sup> century, by still higher levels of corporatist intervention, and the resulting centralization of the economy. The effect of government subsidies and regulatory cartelization was to conceal or transfer the inefficiency costs of large-scale organization, and to promote a state capitalist model of business organization that was far larger, and far more hierarchical and bureaucratic, than could possibly have survived in a free market.

The state's subsidies to the development of capital-intensive production, as the century wore on, promoted deskilling and ever-steeper internal hierarchies, and reduced the bargaining power that came with labor's control of the production process. Many of the most powerfully deskilling forms of production technology were created as a result of the state's subsidies to research and development. As David Montgomery wrote in *Forces of Production: A Social History of Industrial Automation*,

*[I]nvestigation of the actual design and use of capital-intensive, labor-saving, skill-reducing technology has begun to indicate that cost reduction was not a prime motivation, nor was it achieved. Rather than any such economic stimulus, the overriding impulse behind the development of the American system of manufacture was military; the principal promoter of the new methods was not the self-adjusting market but the extra-market U.S. Army Ordnance Department... The drive to automate has been from its inception the drive to reduce dependence upon skilled labor, to deskill necessary labor and reduce rather than raise wages.<sup>12</sup>*

Finally, the decision of neoliberal elites in the 1970s to freeze real wages and transfer all productivity increases into reinvestment, dividends, or senior management salaries, led to a still more disgruntled work force, and the need for internal systems of surveillance and control far beyond anything that had existed before. David M. Gordon's *Fat and Mean*<sup>13</sup> refers, in its subtitle, to the "Myth of Managerial Downsizing." Gordon demonstrates that, contrary to public misperception, most companies employ even more middle management than they used to; and a major function of these new overseers is enforcing management control over an increasingly overworked, insecure, and embittered workforce. The professional culture in Human Resources departments is geared, more and more, to detecting and forestalling sabotage and other expressions of employee

disgruntlement, through elaborate internal surveillance mechanisms, and to spotting potentially dangerous attitudes toward authority through intensive psychological profiling.

The state capitalists, since adopting their new neoliberal consensus of the Seventies, have been hell-bent on creating a society in which the average worker is so desperate for work that he'll gratefully take any job offered, and do whatever is necessary to cling to it like grim death.

### To summarize...

... things didn't just "get" this way. They had help. The reduced bargaining power of labor, the resulting erosion of the traditional boundaries between work and private life, and increasing management control even of time off the clock, are all the result of concerted political efforts.

The fact that we accept as natural a state of affairs in which one class has "jobs" to "give" and another class is forced to take them, for want of independent access to the means of production, is the result of generations of ideological hegemony by the owning classes and their vulgar libertarian apologists.

Nothing in the present situation is a natural implication of free market principles. As Albert Nock wrote,

*Our natural resources, while much depleted, are still great; our population is very thin, running something like twenty or twenty-five to the square mile; and some millions of this population are at the moment "unemployed," and likely to remain so because no one will or can "give them work." The point is not that men generally submit to this state of things, or that they accept it as inevitable, but that they see nothing irregular or anomalous about it because of their fixed idea that work is something to be given.<sup>14</sup>*

Claire Wolfe pointed out, in her brilliant article "Dark Satanic Cubicles," that there's nothing libertarian about the existing culture of job relations:

*In a healthy human community, jobs are neither necessary nor desirable. Productive work is necessary—for economic, social, and even spiritual reasons. Free markets are also an amazing thing, almost magical in their ability to satisfy billions of diverse needs. Entrepreneurship? Great! But jobs—going off on a fixed schedule to perform fixed functions for somebody else day after day at a wage—aren't good for body, soul, family, or society.*

**"Nothing in the present situation is a natural implication of free market principles."**

*Intuitively, wordlessly, people knew it in 1955. They knew it in 1946. They really knew it when Ned Ludd and friends were smashing the machines of the early Industrial Revolution (though the Luddites may not have understood exactly why they needed to do what they did).*

*Jobs suck. Corporate employment sucks. A life crammed into 9-to-5 boxes sucks. Gray cubicles are nothing but an update on William Blake's "dark satanic mills." Granted, the cubicles are more bright and airy; but they're different in degree rather than in kind from the mills of the Industrial Revolution. Both cubicles and dark mills signify working on other people's terms, for other people's goals, at other people's sufferance. Neither type of work usually results in us owning the fruits of our labors or having the satisfaction of creating something from start to finish with our own hands. Neither allows us to work at our own pace, or the pace of the seasons. Neither allows us access to our families, friends, or communities when we need them or they need us. Both isolate work from every other part of our life...*

*We've made wage-slavery so much a part of our culture that it probably doesn't even occur to most people that there's something unnatural about separating work from the rest of our lives. Or about spending our entire working lives producing things in which we can often take only minimal personal pride—or no pride at all...*

*Take a job and you've sold part of yourself to a master. You've cut yourself off from the real fruits of your own efforts.*

*When you own your own work, you own your own life. It's a goal worthy of a lot of sacrifice. And a lot of deep thought.*

*[A]nybody who begins to come up with a serious plan that starts cutting the underpinnings from the state-corporate power structure can expect to be treated as Public Enemy Number One.<sup>15</sup>*

The chief obstacle to the latter process, she wrote, was "government and its heavily favored and subsidized corporations and financial markets..."

### How Bad Do the Options Have to Be?

Now before we go on, as a market anarchist, I

have to stipulate that there's nothing inherently wrong with wage labor. And in a free market, employers would be within their rights to make the kinds of demands associated with contract feudalism.

The problem, from my standpoint, is that the reduced bargaining power of labor in the present labor market lets employers get away with it. What deserves comment is not the legal issue of whether *the state* should "allow" employers to exercise this kind of control, but the question of *what kind of allegedly free marketplace would allow it.*

The question is, just how godawful do the other "options" have to be before somebody's desperate enough to take a job under such conditions? How do things get to the point where people are lined up to compete for jobs where they can be forbidden to associate with co-workers away from work, where even squalid, low-paying retail jobs can involve being on-call 24/7, where employees can't attend political meetings without keeping an eye out for an informer, or can't blog under their own names without living in fear that they're a web-search away from termination?

I'm not a friend of federal labor regulations. We shouldn't need federal regulations to stop this sort of thing from happening. In a free market where land and capital weren't artificially scarce and expensive compared to labor, jobs should be competing for workers. What's remarkable is not that contract feudalism is technically "legal," but that the job market is so abysmal that it could become an issue in the first place.

As Elizabeth Anderson already suggested in the quote above, the key to contract feudalism is the reduced bargaining power of labor. Timothy Carter puts the alternatives in very stark terms:

*...anyone who has sat at a negotiation table knows where the real power to gain a lion's share of the mutual benefit lies: with the power to walk away. If one side can walk away from the table and the other side cannot, the party that can leave can get almost anything they want as long as they leave the other party only slightly better off than if there was no deal at all...*

*What creates an imbalance in the power to walk away? One situation is need. If one side has to make the exchange, their power to walk away is gone.*

*...For most people, a job is the ultimate need. It from the earnings of job that all other needs are satisfied.*

*So how can we make the exchange more fair?...*

**"How do things get to the point where people... compete for jobs where they can be forbidden to associate with coworkers away from work..?"**

*The liberal answer is to have the government meddle in the labor-capital exchange...*

*There is another way. The need for government meddling could end if the balance of negotiating power between labor and capital were equalized. Currently, the imbalance exists because capital can walk away, but labor cannot.<sup>16</sup>*

### For a Genuine Free Market

Contrast the present monstrous situation with what would exist in a genuine free market: jobs competing for workers, instead of the other way around. Here's how Tucker envisioned the worker-friendly effects of such a free market:

*For, say Proudhon and Warren, if the business of banking were made free to all, more and more persons would enter into it until the competition should become sharp enough to reduce the price of lending money to the labor cost, which statistics show to be less than three-fourths of once per cent. In that case the thousands of people who are now deterred from going into business by the ruinously high rates which they must pay for capital with which to start and carry on business will find their difficulties removed... Then will be seen an exemplification of the words of Richard Cobden that, when two laborers are after one employer, wages fall, but when two employers are after one laborer, wages rise. Labor will then be in a position to dictate its wages, and will thus secure its natural wage, its entire product...<sup>17</sup>*

The authors of the Anarchist FAQ described the libertarian socialist consequences of Tucker's free market, in even more expansive terms, in this passage:

*It's important to note that because of Tucker's proposal to increase the bargaining power of workers through access to mutual credit, his individualist anarchism is not only compatible with workers' control but would in fact promote it (as well as logically requiring it). For if access to mutual credit were to increase the bargaining power of workers to the extent that Tucker claimed it would, they would then be able to: (1) demand and get workplace democracy; and (2) pool their credit to buy and own companies collectively. This would eliminate the top-down structure of the firm and the ability of owners to pay themselves unfairly large salaries as well as reducing capitalist profits to zero by ensuring that workers re-*

*ceived the full value of their labour. Tucker himself pointed this out when he argued that Proudhon (like himself) "would individualise and associate" workplaces by mutualism, which would "place the means of production within the reach of all."<sup>18</sup>*

So instead of workers living in fear that bosses might discover something "bad" about them (like the fact that they have publicly spoken their minds in the past, like free men and women), bosses would live in fear lest workers think badly enough of them to take their labor elsewhere. Instead of workers being so desperate to hold onto a job as to allow their private lives to be regulated as an extension of work, management would be so desperate to hold onto workers as to change conditions on the job to suit them. Instead of workers taking more and more indignities to avoid bankruptcy and homelessness, bosses would give up more and more control over the workplace to retain a workforce. In such an economy, associated labor might hire capital instead of the other way around, and the natural state of the free market be cooperative production under the control of the producers.

### Notes

(1) Elizabeth Anderson, 'Adventures in Contract Feudalism', *Left2Right*, February 10 2005, [http://left2right.typepad.com/main/2005/02/adventures\\_in\\_c.html](http://left2right.typepad.com/main/2005/02/adventures_in_c.html)

(2) 'Company's Smoking Ban Means Off-Hours, Too', *New York Times*, February 8 2005, <http://www.nytimes.com/2005/02/08/business/08smoking.html>

(3) Patrick Barkham, 'Blogger Sacked for Sounding Off', *The Guardian*, January 12 2005, <http://www.guardian.co.uk/online/weblogs/story/0,14024,1388466,00.html>; <http://cyberjunky.co.uk/joe/>

(4) Harold Meyerson, 'Big Brother On and Off the Job', *Washington Post*, August 10 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/09/AR2005080901162.html>

(5) Self-published. Fayetteville, Ark., 2004, <http://www.mutualist.org/id47.html>

(6) *The Libertarian*, May 1 1969, [http://www.mises.org/journals/lf/1969/1969\\_05\\_01.pdf](http://www.mises.org/journals/lf/1969/1969_05_01.pdf)

(7) 'The Lesson of Homestead', *Liberty*, July 23 1892, in *Instead of a Book* (Gordon Press facsimile of Second Edition, 1897, 1972), pp. 453-54.

(8) 'Capitalism & Unfreedom', Lenin's Tomb, April 1 2005, <http://leninology.blogspot.com/2005/04/capitalism-unfreedom.html>

**"... in a genuine free market jobs... [compete] for workers, instead of the other way around."**



(9) Karl Marx and Friedrich Engels, *Capital* vol. 1, vol. 35 of Marx and Engels *Collected Works* (New York: International Publishers, 1996) pp. 704-5.

(10) Franz Oppenheimer, *The State*, trans. by John Gitterman (San Francisco: Fox & Wilkes, 1997), pp. 5-6.

(11) Albert Nock, *Our Enemy, the State* (Delavan, Wisc. Hallberg Publishing Company, 1983), p. 106n.

(12) (Knopf, 1984)

(13) (Free Press, 1996)

(14) *Our Enemy, The State*, p. 82.

(15) Claire Wolfe, 'Dark Satanic Cubicles', Loompanics Unlimited 2005 *Main Catalog*, [http://www.loompanics.com/cgi-local/SoftCart.exe/Articles/darksatanic.html?](http://www.loompanics.com/cgi-local/SoftCart.exe/Articles/darksatanic.html?L+scstore+ckrd3585ff813181+1108492644)

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(16) Timothy Carter, 'Alternatives to the Minimum Wage', *Free Liberal*, April 11 2005, <http://www.freeliber.com/archives/000988.html>

(17) "State Socialism and Anarchism," *Instead of a Book*, p. 11.

(18) "G.5 'Benjamin Tucker: Capitalist or Anarchist?'" *Anarchist FAQ*, <http://www.infoshop.org/faq/secG5.html>



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## BACKLASH: DEFENDING S&M IS DEFENDING INDIVIDUAL FREEDOM

Nigel Meek

### An Introduction to Backlash

On behalf of a number of organisations—the Society for Individual Freedom (SIF), the Libertarian Alliance (LA) and the Campaign Against Censorship (CAC)—in the latter half of 2005 I became involved in the Backlash campaign. This was formed in response to a joint Home Office and Scottish Executive consultation document *On the possession of extreme pornographic material* (to quote from the document) “proposing to strengthen the criminal law in respect of possession of a limited category of extreme material featuring adults.” Primarily, if not exclusively, “extreme material” refers to pornographic images of a sado-masochistic (S&M) nature.

Nominally at least, these proposals came as a result of a campaign led by the mother of a woman who had been murdered by a man who had visited websites featuring asphyxiation. This was an appalling crime. However, what we have seen is a knee-jerk reaction of “something must be done”

allied with the mistaken beliefs that (a) people are not and cannot be *personally* responsible for their actions and (b) if only we have enough laws we can legislate away the wickedness of this world.

S&M is not my cup of tea, although I am sufficiently worldly-wise to have a genuine knowledge of what is sometimes involved. In any case, as a libertarian I utterly condemn any restrictions on the creation, distribution and possession by willing adults for willing adults of “extreme pornographic material”. What consenting adult men and women, in any combination of sex, sexuality and numbers, get up to in private is none of my business. And it is none of yours. And it is certainly none of the state’s. Furthermore, if we accept this, then logically there cannot be anything wrong in photographing or videoing such activities and then passing them on to other consenting adults whether free or commercially.

As the Backlash mission statement says, “Law enforcement agencies around the world already

“What consenting adult men and women... get up to in private is none of my business.”

have powers to prevent and punish actual crimes... We condemn any acts where the participants did not give their consent. Viewers should not be penalised for looking at... images of consenting actors." Quite.

Formal responses to the consultation document such as the one prepared by the CAC were constrained by the document itself. However, going into a little more detail, there are numerous reasons why I support the Backlash campaign and why I believe that other members of the SIF should do so too. Here are some of them.

### The Ongoing Assault on Freedom of Speech

I would support the Backlash campaign even if it stood alone. But it does not. 2005 witnessed a frenzy of censoriousness from the Labour government. Even before the proposals that sparked off Backlash there was the *Racial and Religious Hatred Bill*. Whatever its alleged aims, in reality it was a transparent attempt by Labour to recapture "the Moslem vote" that may have been lost due to aspects of the government's foreign policy. However, it also means the prospect of individuals being convicted—or cowed into silence by the risk of being convicted—for pointing out that some religious beliefs and practices are vile and wholly incompatible with the mores of Western society. Ask Theo van Gogh, the Dutch film-maker who was murdered in November 2004 after his film *Submission* highlighted the abuse of women in Islamic society.

We also had the *Terrorism Bill* which has, as but one of its proposals, the ludicrous aim of outlawing "glorifying terrorism". This could mean that almost any strongly expressed ideological view would be illegal if anyone else anywhere in the world uses violence in support on that ideology: democracy in Zimbabwe, for example.

But we should not be surprised. After all, "New" Labour is the party that made the fascistic claim in its 1997 general election manifesto that it was "the political arm of none other than the British people as a whole". Having won on such a terrifying platform, nearly a decade down the line we live in a country where "insulting" the Prime Minister by wearing an admittedly childish "Bollocks to Blair" t-shirt can get you arrested.

Having mentioned the relevant provisions of the *Racial and Religious Hatred Bill* and the *Terrorism Bill*, there is the obvious point about consistency. It is intellectually and tactically right and more persuasive to oppose censorship full stop, irrespective of what one's view is about what is being said or published. For example, if one opposes censorship in one area but supports it in another one's position is immediately weakened because the principle has been conceded. (As an aside, it is *not* censorship to decline to provide someone with a

platform to air views that one finds silly or repugnant. Censorship is a "positive" phenomenon whereby someone is silenced by force—violence, imprisonment, fines and so on—or the explicit or implicit threat for force. However, one has no obligation to "subsidise" the opinions of others.)

### Ignoring Their Own Evidence and the Spurious "Harm" Argument

Returning to Backlash, it notes that "The Home Office admits in its consultation document that there is no evidence that demonstrates a link between the type of material under discussion and unlawful activity." So what is the point of it? Law for the sake of it? Evangelical nannyism? Regarding the last, Backlash has noted the ardent Christian views held by some of those in the government most strongly advocating the proposed censorship. Paul Goggins, a Home Office minister, is a particularly good example. (Indeed, the British Humanist Association has described this present Labour government as "the most religious government for decades.") I have no objection to religious people—including many good friends of mine and of course members of the SIF—peacefully trying to persuade me—at least for as long as I am prepared to listen to them—that doing or not doing this or that imperils my immortal soul. But, in the end, I demand the right to make my own way to Hell.

A more prosaic reason stemming from this same Home Office admission is to refuse to give credence to the "junk science" claims used by *some* of those calling for greater censorship of sexually explicit material. As the LA's press release on the issue notes, "There is no proven connection between pornography and sexual violence. There have been dozens of reputable studies. Not one has shown any connection. Indeed, the evidence is that access to pornography reduces sexual violence by providing an alternative release. Even if there were a connection, it is only a prompting. Between prompting and action, there must still be some process of deliberation. Anti-porn campaigners accuse adults of being robots who cannot resist any external impulse. In any event, if there is a connection between pornography and sexual violence, there is exactly the same kind of connection between reading the Koran and letting off bombs on the London Underground. Are we to censor the Koran on that argument? No, the anti-porn campaigners are anti-sex fanatics who will use any excuse to make other people as unhappy about sex as they are themselves."

Along similar lines, the CAC's submission argues that if the "harm" argument were to be taken seriously, "all crime films and some newsreels would have to be banned." For example, would the photographs of the atrocities committed by US troops in the Abu Ghraib prison in Iraq be able to be shown?

"2005 witnessed a frenzy of censoriousness from the Labour government."

### Where is the “Victim”?

Then, as the CAC’s submission also notes, there is the whole issue of “victimless crimes”. Aside perhaps for those poor souls who are indisputably deranged, it is not the job of the state to protect people from themselves. Yet the consultation document goes out of its way to say that it wishes “to discourage interest in... aberrant sexual activity.” And who decides what is “aberrant”? That ought to be for the individual and his or her willing partners, not the government. An S&M practitioner would say that there is nothing for them to be protected from. As for those who would argue that S&M practitioners are indeed “sick”, it is worth recalling that homosexuality was regarded as a classifiable mental disorder by the American Psychiatric Association until 1973, the World Health Organisation until 1992 and, quite remarkably, by the UK government until 1994. How foolish this now seems! No, being “odd”, “unusual”, “eccentric”, “rebellious” or even, of one takes this view, “disgusting” does not qualify one as “mad”.

### Real Crimes for Real People!

The Home Office’s consultation document refers in numerous places to “pseudo-photographs”, i.e. “an image, whether made by computer graphics or otherwise howsoever, which appears to be a photograph” (*Criminal Justice and Public Order Act 1994*). Criminal law ought to refer to what real people do or do not do to other real people. One may well accept that the making of some types of material involving actual people ought to be illegal: child pornography is an obvious example. However, whatever one might think of the subject matter that the consultation document concerns itself with, literally no one is hurt—indeed, even involved as such—in the creation of pseudo-photographs. We have here entered the realm of Orwellian “thought crime” and however disturbing some of those thoughts might be, they are not “real”.

### More Public Sector Jobs

Make no mistake, there will be jobs for the boys (and girls) at the end of this. Any extension of the state’s powers produces “job opportunities” both for an expanded public sector and the (nominally) private sector that provides them with (say) the technical wizardry needed to catch those newly criminalised. All at the taxpayer’s expense, of course. In the meantime, existing police personnel will have to be diverted from tackling what most of us would consider “real crime” of (non-consensual) violence, robbery, vandalism and so on. And let’s face it, raiding a house in the suburbs or a cottage in the country believed to be the scene of S&M gatherings or trawling through someone’s computer in the comfort of a warm office is a rather more inviting prospect than deal-

ing with drunks on a cold and wet Friday night.

### Increasing the Powers of an Already Unfriendly State

We ought also to be mindful of what, quoting Martin Niemöller, might be termed the “First they came for the Communists” attitude of shrugging the shoulders. For it is often true that repression starts first against those least favoured in society. For someone leading a quiet life and who might well regard S&M with disgust—which I suspect will include some readers of this article—it is tempting to say, “It’s nothing to do with me.” But think again. Are you a Euro-sceptic, or do you support fox hunting, or do you oppose unlimited immigration into the UK of criminal gangs and unassimilable thousands or do you hold the view that two homosexual men wishing to adopt should not have a boy placed with them in the same way that two heterosexual men should not have a girl placed with them? If so, then you could soon be skating on very thin ice. Don’t think that it will happen? Well, of course, the last item in my list—adoption—got one Lynette Burrows into trouble in December 2005 when she mildly expressed exactly that opinion on BBC Radio Five. The police, no doubt having run out of burglars to catch, thought it worthwhile ringing her up the following day to say that an illegal “homophobic incident” had been reported against her. (And shame on the politically correct zealots who “reported” her.)

Many of us have a decidedly mixed view about the police. Go to the February 2005 issue of *The Individual* and SIF chairman Michael Plumbe’s report to the 2004 AGM. Writing about what he witnessed at a protest mainly by “‘middle-English’ protesters”—i.e. the sort that makes up most of the SIF’s membership—against proposals to ban hunting with dogs, he reported that, “I was quite near the police group which rained blows on a small section of the crowd. It was frightening to be there and to watch.” Or the incident involving SIF’s webmaster and myself when we attended the SIF’s luncheon at the House of Commons in November 2005 (see the editorial in this issue). And as for HM Revenue & Customs...

Taken to an extreme, the LA’s press release notes of the proposals that they give “another opportunity for the police to plant evidence” since mere possession will be a crime.

### A Waste of Time

Returning to the proposals, bizarrely any such restrictions may be illegal even before they reached the statute book. According to those knowledgeable about such things—e.g. the human rights lawyer Rabinder Singh QC—they might be incompatible with the European Convention on Human Rights (which, by the way, is a

“Any extension of the state’s power produces “job opportunities” ... for an expanded public sector...”

child of the Council of Europe and *not* the European Union). More work—and money—for the lawyers. It would be fascinating to see that other well-known human rights lawyer, Cherie Booth QC, taking up the challenge...

### Above All: The Defence of Individual Freedom

But, of course, the most important reason to oppose these proposals is the right of consenting adults to do whatever they like in private. That one might not be personally involved in or even like what they are doing is neither here nor there. I have no time for those who, like the Conservative peer Baroness Buscombe in a House of Lords debate on this very subject on the 13<sup>th</sup> October 2004, start by saying, “I would be the first to defend our civil liberties, freedom of speech and expression” and then fling an almighty “*but*” into the debate. As that great liberal Herbert Spencer said, and which is prominently featured on the back cover of this journal, “Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man.”

Laws exist that allow those who commit real crimes against others to be prosecuted. In the case of any “entertainment” material which involves real crimes such as the so-called “happy slapping” incidents recorded on mobile phones the perpetrators should be prosecuted for this crime. The fact that images may have been created is incidental except as evidence of a crime. Images created with the assistance of willing actors with or without special effects, or images formed by the manipulation or creation of photographs on a computer, should not be prohibited.

### A Bit More About Backlash

Many sorts of people are involved in Backlash. Some like myself are from comprehensive libertarian groups such as the SIF and the LA or more targeted anti-censorship groups such as the CAC, the National Campaign for the Reform of the Obscene Publications Acts and Feminists against Censorship. Others come from “pro-sex” groups such as Unfettered, the Spanner Trust and the Sexual Freedom Coalition. Others are simply private individuals, often but not always personally involved in the activities under threat.

With such a wide range of people involved there are sometimes differences about how best to proceed. Unsurprisingly, those organising most of Backlash’s work sometimes experience the “herding cats” problem. This is common to anyone involved in libertarian-inclined politics. Not for us the “discipline” of the political authoritarian or religious fundamentalist!

One problem comes from the fact that many S&M activities are themselves (disgracefully) cur-

rently illegal in the UK and so the matter of material depicting them is neither here nor there. At the first Backlash meeting in September 2005 there was a difference of opinion between those who said that at least for now Backlash had to work within the law as it stood and those who said that any response ought to tackle head on the illegality of certain S&M practices. I can see merit in both sides of the argument but I am more sympathetic to the latter. I am not sure how much one protects reciprocal individual liberty by conceding the state’s restrictions on it from the start.

It is also true that not everyone involved in Backlash is totally committed to civil liberties generally. Some are perhaps concerned with protecting their own “thing” but might not be so bothered about defending someone else’s. That said, many are rightly concerned about “not frightening the horses” or accidentally giving fuel to the already emotive claims of the pro-censorship lobby, particularly when the latter use the reason-destroying “protecting the children” tactic.

But these are quibbles. It has been inspiring to see the level of motivation and sheer hard work of many of those involved. Up and down the country messages have been written and sent, meetings attended, shows performed and—rather importantly—money raised. The sad truth is that if one is a well-to-do and “law abiding” member of the SIF and whose “hobbies” are not the sort to attract the attention of the state, then no matter how much one might sigh at (say) the possibility of compulsory ID cards things just don’t seem quite so personal and urgent. They are.

### Conclusion

I can do no better than refer to the end of Backlash’s mission statement. “We believe that adults can make up their own minds about what they view in private, even if those things may be distasteful to others. Backlash urges anyone who thinks that it is not the business of the state to criminalise the possession of images that the government considers to be “abhorrent”, to contact their MP and to respond to the Home Office’s consultation, stating their objections to these proposals.”

The CAC’s submission to the consultation exercise went in before the deadline of the 2<sup>nd</sup> December 2005 along with many others (some of which, of course, will *support* these proposals). We await developments but in the meantime Backlash is keeping active with a view to action if anything comes of it.

### Relevant Websites

Backlash  
<http://www.unfettered.co.uk/backlash/index.html>

“It has been inspiring to see the level of motivation and sheer hard work of many of those involved.”

Libertarian Alliance  
<http://www.libertarian.co.uk>

Campaign Against Censorship  
<http://www.dlas.org.uk>

Home Office and Scottish Executive Consultation Document

<http://www.scotland.gov.uk/Publications/2005/08/30112423/24254>

This is a link to the Scottish Executive version but the Home Office one is the same. It might not work by the time that this article goes to press. There have been persistent problems with

accessing the relevant literature on the Home Office and Scottish Executive websites, something that has led to complaints to these bodies from Backlash supporters quite besides responses to the actual consultation document.



*Nigel Meek is the editor and membership secretary of the Society for Individual Freedom and the Libertarian Alliance and a member of the national council of the Campaign Against Censorship. Thanks to Ted Goodman (CAC) and Christian Michel (LA) for their comments and suggestions regarding an earlier draft of this article.*



**Resting from their labours: SIF editor & membership secretary Nigel Meek and SIF webmaster Howard Hammond-Edgar en route to Gatwick Airport, October 2005. Photo by Joe Peacott.**



Conquest and betrayal: Liberty's homelands under attack...

*Real liberty does seem to originate from a fairly distinct cultural/ethnic region. Although its mores and values have spread elsewhere it seems true to me that liberty depends on "deep structures" of mores, family structure, traditional values, cultural traditions etc that are not in existence, or certainly not in any strong form, elsewhere.*

*What happens now that liberty's "homeland" so to speak, and even many of its outlands, is under physical invasion by national/ethnic groups alien, indifferent or outright hostile to liberty and libertarian culture, and that that invasion is supported and sponsored by power elites who are consciously seeking to deconstruct liberal civilisation, is a moot point.*

Dr Chris Tame, Libertarian Alliance Forum, 17<sup>th</sup> October 2005

## MINUTES OF THE 2005 SIF AGM

**Date, time, and place:** The meeting was held at 5.30pm on the 4<sup>th</sup> October 2005 at the Westminster Arms, 9 Storeys Gate, London, SW1P 3AT.

**Members present and apologies for absence:** Present were Michael Plumbe, Lucy Ryder, Dr Barry Bracewell-Milnes, Professor David Myddleton, Paul Anderton, Nigel Meek, Don Furness, Robert Henderson and Peter Jackson. Apologies were received from Lord Monson and Jenny Wakley

**The minutes of the 2004 AGM** held on the 27<sup>th</sup> October 2004 had been previously published in issues of *The Individual* and were agreed *nem. con.*

**The Chairman's report** was given by Michael Plumbe and it was adopted *nem. con.*

Meetings with Speakers: Our plans to organise a Luncheon in April at the House of Commons with Eric Forth MP as our host and speaker had to be cancelled at the last minute. This was because of the calling of the general election. Instead the event was transferred to the New Cavendish Club and Gerald Hanson of the Campaign for Courtesy nobly stepped in as our speaker. He gave a rousingly patriotic speech. Sadly the change of venue meant that his audience was rather sparse; indeed one group who had booked even failed to find the Club. However those who did attend were suitably heartened to continue the fight against governance from beyond our shores.

The Luncheon with Eric Forth has been rearranged for Thursday 24<sup>th</sup> November 2005. We are most grateful to Eric accordingly.

After our AGM last October, Professor David Myddleton, a member of the Society and author *inter alia* of *The Power to Destroy*, spoke of the way that over regulation of accounting is perversely likely to lead to more bad practice and accounting scandals. Regulators have an inbuilt tendency to over-regulate. 800 pages of "accounting standards" ten years ago are now 2000 pages.

In February Nick Seaton, Chairman of the Campaign for Real Education, spoke of the need for higher standards and more parental choice in state education. He went on to discuss how educational philosophies, the curriculum and values, control by bureaucrats, and standards and choice are important concerns for individual freedom.

Two former speakers to the Society have agreed to be with us again this year, at the instigation of Nigel Meek. In June Dr Robert Lefever, who runs the PROMIS Unit of Primary Care, spoke of

his concern that when the State takes over responsibility for the individual a dependency culture develops. Nowadays people believe they have rights rather than responsibilities. He argued cogently against the provision of universally free care at the point of need.

Tonight Dr Sean Gabb, who first came some years ago, will be speaking after this AGM.

We thank all our speakers for so kindly giving their time to the Society. Attendances at our meetings have improved. This is no doubt due both to the quality of speakers and to the excellent flyers produced by Nigel and their circulation over the Internet.

### Campaigns and Projects

(1) Tell-It: It is good to report this year that Dr Alan Dean's organisation is going ahead well now, after many difficulties. Peter Jackson will be reporting on this elsewhere.

(2) Internet: Our webmaster Howard Hammond-Edgar has put together a basic structure which has enabled him and Nigel Meek to keep the site updated with new material and of course with issues of *The Individual*. We continue to get the occasional enquiry about membership as a result of hits on the website.

(3) Research into Censorship: Once again we have had neither the time nor the resources to pursue this idea yet. Once again I include the matter here so that it does not get forgotten.

(4) Identity Cards: At the suggestion of Jenny and Peter Wakley, we dug out the paper written for the Society some time ago, detailing our objections to compulsory identity cards. This was then sent to a few senior politicians, particularly in the Opposition. Whether or not this influenced anyone we do not know. The Society remains opposed to identity cards generally but especially recognises that any government which introduces them will inevitably make carrying them compulsory in due course. As so often (deliberately) happens a relatively benign regulation is made more restrictive as soon as those in power can find a "legitimate" excuse, such as terrorism, to tighten control on the population generally.

(5) Civil Contingencies Bill: I mentioned this last year in the hope that some volunteer could look at the shortcomings of this Bill and its threats to liberty. Unfortunately no one has come forward. If any member has time to take this further, we might be able even now to highlight and draw attention to the badness of this legislation.

"The Society remains opposed to identity cards..."

I must add that Robert Henderson, a member and a valued contributor to *The Individual*, privately puts out many e-mails on matters such as infringement of liberty, over powerful and malign bureaucracy, and bad law and its unjust enforcement. It is good to have such an active person as a member of the Society.

The Individual: Our Society would be nowhere without *The Individual* and our indefatigable Editor, Nigel Meek. He has worked his usual magic, both writing material himself and reprinting interesting and provocative articles from contributors in the several recent issues. For the last issue, he took over all the production and distribution work except the actual printing. He did this while at the same time acting as Membership Secretary.

Choice in Personal Safety (CIPS): CIPS meetings have not been well attended. Nevertheless Don Furness (CIPS Chairman) battles bravely on with much support from Dr Barry Bracewell-Milnes. Don continues to come across cases where seatbelts have actually been detrimental to safety rather than the reverse. I would also record the comment here of Lord Monson that the feeling of security induced by wearing a seatbelt can make drivers more reckless than before. Again let me say that Don has much important material collected by the late Gordon Read. This valuable archive needs to be looked after properly but we need a volunteer to act as archivist. Is there anyone out there with the time and the space to do this?

Representation on Campaign for Freedom of Information (CfoI): The CfoI has been rather less active this year but we still get occasional bulletins from them. Where necessary Michael Champness and Robert Henderson have kept us abreast of their news.

Officers and Committee: We have continued the practice of organising our committee meetings on the same days as our general meetings. Thus it is possible, with nearly all of us coming from a distance, to make one journey serve two purposes. Sometimes this means our meetings are a bit rushed but, were we to call people together at other times, we probably would have smaller attendances over the year.

The usual body of stalwarts has kept the Society going. Lucy Ryder looks after our finances and tells us when we are spending too much. Nigel Meek, in addition to the work mentioned above, has immeasurably improved the Society's image. Jenny Wakley and Peter Jackson have had spells abroad but, between them and with help from Rhoda Zeffertt, have handled our secretarial matters. Lord Monson does his best at least to look in on meetings. Also he always holds himself available for advice. Cynthia Campbell-Savours helps with the organisation of functions. Others

who take part in running the Society, even if only by attending committee meetings and expressing their views, are Dr Barry Bracewell-Milnes, Paul Anderton and David Wedgwood. Barry also remains Chairman of the National Council. Martin Ball has not been able to join us this year but hopes to be more active soon. Also in this section let me again acknowledge gratefully a sizeable donation from one member. Without this we would have difficulty publishing *The Individual* as often as we do.

The Future: We keep going but it is a bit of a struggle. Several of the older members of the committee would love to see some younger faces come in alongside Nigel, the one whose activity makes the most impact. So, if anyone is able to take a part in this, do please let us know. Erosion of liberty is all around us and even the tiny bit we do helps to draw attention to what is happening.

**The Treasurer's Report** was given by Lucy Ryder, along with the distribution of written copies of the accounts, and it was adopted *nem. con.* Miss Ryder noted that the luncheons at the House of Commons or Lords are now a concern and with the increased costs these are events where we could end up making no profit at all. At the moment the SIF remains in the black but without the generous contributions of one or two individuals we are not covering our expenses.

**The Tell-IT campaign report** was given by Peter Jackson and it was adopted *nem. con.* Lack of proper information is the major factor contributing to 10,000 deaths a year from Adverse Drug Reactions (ADRs). (*The Sunday Times* on the 31<sup>st</sup> July 2005 quotes a Liverpool University report that suggests a total of 10,000 ADR deaths a year which compares with 3000 deaths on the roads.)

For a number of years now the SIF Tell-IT campaign has been closely tied in with the epic story of Epic, the company that has been facilitating access to anonymous data from GPs for the General Practise Research Data Base (GPRD).

The Tell-IT campaign is reporting with a little relief this year. As a reminder, Tell-IT stands for the SIF Campaign to "tell" and make widely available the information on the long-term effects of drugs and treatments. Firstly, we call for the medical profession to have this information as currently they only have fragments of what they need and want. Secondly we are calling for the information to be available to a public whose members have such a touching faith that the medical profession has this knowledge already available to them. Making such information broadly known is a specific and possibly pivotal part of the SIF support for Freedom of Information (FOI) in general.

Epic has been sold to Cegedim SA, a French

"... the SIF remains in the black but without the generous contributions of one or two individuals we are not covering our expenses."

Company that has the aim of helping the health care industry. (Cegedim is the European leader in the production, use and distribution of data linked to the medical information and Customer Relationship Management activities. It is located in 58 countries on five continents and was created in 1969 by Jean-Claude Labrume, Founder and Chairman.) The company provides market research and technology services to pharmaceutical companies and health care providers. From the Tell-IT point of view this looks remarkably compatible with Epic. Cegedim is supporting Epic and therefore helping the project that SIF is promoting under the Tell-IT banner.

Epic is providing access to THIN (a similar database to the GPRD) to both Drug Companies and academics. This is resulting in a number of publications and so information on the effects of drugs is gradually becoming more widely available.

A previous report told some of the astonishing story of Epic, a company founded by Dr Alan Dean to use anonymous data from GPs for the GPRD, which holds 44 million patient years of the gold standard raw data that is being researched to provide the very information called for by Tell-IT.

You may remember that in a court case between Epic and the Department of Health (DoH) the DoH was accused of being in breach of contract by not providing the data to Epic. An out-of-court settlement stated that the DoH had to pay damages to Epic and supply them with the data that they had withheld.

The extra funding available to Epic through the sale to Cegedim puts it in a stronger position to open such data to a wider audience of people qualified to undertake good quality research. In a world where ADRs are responsible for so many hospitalisations and deaths, making such data more widely available can only be good news.

Alison Bourke who was shoulder to shoulder with Alan through the traumatic battles with the DoH (see our previous reports on the SIF web site) is now running Epic with much the same team. Their aims are still to make the sort of data that the SIF is calling for concerning the long-term effects of drugs and treatments to be made widely available.

Epic's policy is to undertake studies or provide researchers with information on which to work. Any requests for research data for publication must also be accompanied by a protocol, which is then submitted to an NHS Research Ethics Committee for review. Researchers are then at liberty to apply to appropriate journals for publication (such as the British Medical Journal, Lancet and the Journal of the American Medical Association). This means that the Universities and the other organisations concerned are gradually producing the information that Tell-IT is calling for in order to ensure the freedom of the individual and to give medical practitioners a firmer basis from which they are able to carry out their daily work.

The data provided by Epic are an anonymised form of what is recorded in the doctor's practice computer and are used to look at both the effectiveness and safety of treatments as well as general patterns of healthcare.

Making the Tell-IT information widely available is well worth the long road and the dangers that have to be surmounted. We recognise that each additional piece of validated information that is published has the potential to save lives and to provide each individual with a greater chance of avoiding being one of the ADR statistics that we hear so little about, while still benefiting from the benefits such treatments have to offer.

**Election of the third of the National Council due for re-election:** The following were last elected in 2002, are due for re-election in 2005, and had not objected to standing for a further year: Dr Barry Bracewell-Milnes, Major Peter Wakley, David Wedgwood, Paul Anderton, Peter Jackson and Nigel Meek. Elected unopposed *nem. con.*

**Election of Officers:** The following are the main office-holders of the Executive Committee and had not objected to standing for a further year: Lord Monson (President), Sir Richard Body (Vice-President), Professor David Myddelton (Vice-President), Dr Barry Bracewell-Milnes (Vice-President and Chairman of the National Council), Michael Plumbe (Chairman of the Executive Committee), Lucy Ryder (Hon. Treasurer), Peter Jackson (Joint Hon. Secretary) and Jenny Wakley (Joint Hon. Secretary).

**Any other business:** None.

**"An out of court settlement stated that the DoH had to pay damages to Epic and supply them with the data that they had withheld."**





## MINUTES OF THE 2005 SIF NATIONAL COUNCIL MEETING

**Date, time, and place:** The meeting took place at the Westminster Arms immediately after the SIF AGM.

**Chairman's Report:** Dr Barry Bracewell-Milnes commented that this is a formality unless an unexpected situation occurs. This had been a quiet year as expected.

**Confirmation of the Executive Committee:** The following are other officer-holders of the Executive Committee and had not objected to

standing for a further year: Cynthia Campbell-Savours (Hon. Social Secretary), Nigel Meek (Hon. Editor and Hon. Membership Secretary), Howard Hammond-Edgar (Webmaster) and Don Furness (Hon. Chairman of Choice in Personal Safety). The following are also current members of the Executive Committee and had not objected to standing for a further year: Paul Anderton, Martin Ball, Michael Champness, David Wedgwood and Rhode Zeffertt. All members of the National Council are ex officio members of the Executive Committee.

"This had been a quiet year as expected."

## MINUTES OF A 2005 SIF EXTRAORDINARY GENERAL MEETING

**Date, time, and place:** The meeting took place at the Westminster Arms immediately after the SIF National Council meeting.

**Legalising any irregularities that may have inadvertently occurred at the 2004 AGM:** To confirm the election of the following members to

the National Council inadvertently omitted last year: Victor Bloom, Lucy Ryder, Michael Champness and Geoffrey Pearl. And to confirm the appointment of the Executive Committee by the National Council in 2004, thus legalising the actions of the Executive Committee in the year to date.



(Continued from page 1)

tent and desperate—and sometimes vicious—police, prosecution and government will make greater use of these devices until they become routine.

In addition to this, as from the 1<sup>st</sup> January 2006 the police now have powers to arrest people and take them away in handcuffs for *every* offence, no matter how minor. This includes failure to wear a seat belt, which will understandably leave our friends in the SIF's associated Choice in Personal Safety (CIPS) campaign less than amused. The police will be expected to use their "discretion". Discretion? As the civil liberties group Liberty has noted, the government assured the public that new police powers under the *Terrorism Act* would be applied correctly and sparingly. Tell that to the 82-year-old ejected from the Labour Party conference for heckling the Foreign Secretary Jack Straw or the 34-year-old female property developer who

was arrested for *walking along a cycle path* in the harbour area of Dundee.

By the way, if you want an example of why even "decent" people now often despise the police, let me relate a personal experience. In November 2005, the SIF's webmaster, Howard Hammond-Edgar, and I travelled together to the SIF's luncheon hosted by Eric Forth MP at the House of Commons. We were looking for the St Stephen's entrance and asked directions from a small group of police officers at an entrance that we recalled using before, probably when the SIF had held a previous luncheon at the House of Lords. We were directed to the right place, but one sneering, armed policeman couldn't resist saying, entirely gratuitously, "This is Black Rod's entrance. The clue is that the St Stephen's entrance has 'St Stephen's entrance' written on top of it. This has 'Black Rod's entrance' written on top of it." We were treated with contempt by someone who

clearly regarded himself as beyond any requirement to treat people—who, as taxpayers, pay his wages—with any civility.

(In recent years my family, neighbours and myself have personally experienced a number of burglaries. In fairness we have always found the local police to be fine when doing this sort of work. On one occasion they even recovered some of the stolen property! Perhaps it is the group mentality when policing a demonstration, or strutting around with a gun outside important buildings, that turns them into swaggering bravos.)

Meanwhile, ID cards are still milling around the political scene. As frequent SIF contributor Robert Henderson has put it, “An ID card is, in effect, a licence to exist in the territory in which it is valid. A free people licence their politicians not the other way round.” The SIF has a long history of opposing ID cards and will continue to do so.

Again, aside from the principle involved, let me offer another anecdote, this time as to why we can expect horrible *practical* consequences from ID cards. Or, to be more precise, the databases behind them that will contain information on vast swathes of our very *existence* (and this excludes the tens of thousands of DNA samples from innocent people that the state now holds). Simply put, much of the information will be *wrong*. In November 2005 I took an elderly relative to her local, multi-doctor, NHS GP surgery. Some time after arriving we heard a quiet voice that might have been calling her name—the tannoy system apparently not working—but another couple that looked like a very frail elderly lady accompanied by her middle-aged daughter got up and disappeared down the corridor. We waited and waited until eventually I checked with the receptionist to see what was happening. She phoned through to the doctor whereupon a bizarre three-way conversation took place, the receptionist acting as intermediary and the doctor refusing for some time to believe anything other than she had already seen my relative. Eventually we were called in, although not without further confusion and delay since it appeared to be beneath this doctor’s dignity to put her around the door and enunciate names clearly (although English not being her first language didn’t help matters). Then followed the really worrying part.

We sat in silence for several minutes while the doctor attempted to remove from my relative’s computerised records all of the details of the consultation that she had had with the other patient. I think that she thought we were too stupid to realise what had happened and what she was doing now: that she had conducted a medical consultation without checking the identity of the person in front of her, had entered new information onto the wrong medical record (i.e. that of my relative) and was now trying to remove that infor-

mation. (Whether the correct information was ever transferred to the records of the other poor woman I shall never know.) Even a moment’s consideration makes one blanch at the possible outcomes of this sort of behaviour: drug contraindications and so on.

And this was a doctor—presumably an intelligent and educated woman—working on a quiet day. Just think what it will be like when the data inputting for ID cards is done by an army of semi-literate clerks on not much more than Minimum Wage. To make matters worse, these clerks will also have substantial access to your data and at least some of them will not be averse to passing it on “for a consideration”.

But surely, “If you’ve got nothing to hide, you’ve got nothing to fear.” As *The Telegraph* put it on the 23<sup>rd</sup> December 2005, “As the state grows ever more insistent in its demand to monitor us, and preach to us as to how we live our lives, there is much a law-abiding citizen might choose to hide, and a great deal more to fear.”

A “police state”? Oh yes, Mr Blair, and one made worse by the incompetence and malice of many of those who run it.



I should mention a few of pieces of SIF admin. At various times in recent years I have noted that we have been rather “relaxed” about chasing up membership subscription renewals, relying instead on something of a “honour system” of members remembering to pay. At the end of 2005 we finally started doing something about this. The results so far of “part 1” of this exercise have been mixed but not too bad. Whilst we will be removing a number of (notional) members, many others have paid up and some have been very generous indeed by giving more than the minimum sum. Many thanks to all of them. We intend doing “part 2” of this exercise during the coming year.

Readers will also notice the slightly odd AGM/EGM minutes carried in this issue. Some have rightly wondered what this was all about, not least the EGM. There was nothing sinister involved as can be seen by the fact that the same people are doing the same jobs as before. However, to put it bluntly, we made a mess of the arrangements for the 2004 AGM and some names were accidentally left off the list of elections whilst others were there who should not have been. Pressed for time, our internal “constitutional experts” came to the decision that the EGM was the best way of rectifying things. We might have to do the same thing this year but this time we will be able to consider the matter at greater leisure!

Dates for your diary: the next SIF public talks will

“Just think what it will be like when the data inputting for ID cards is done by an army of semi-literate clerks...”

be on the 7<sup>th</sup> February 2006 and (provisionally) the 6<sup>th</sup> June 2006.



Readers of *The Individual* will recall that in the last issue I reported the death of long-time SIF member Professor Peter Campbell. I am sad to report the passing of another one of us. We were shocked to learn just after New Year of the death of Paul Anderton. Paul was my predecessor as editor of this journal and he continued to be a contributor to it and other organisations such as the Libertarian Alliance. He was also an assiduous attendee at SIF meetings despite having to travel from Sheffield to London to do so. His death was apparently sudden and unexpected although he was clearly far from well at the last SIF meeting in October 2005.

Paul was a lovely, fascinating and courageous man. Of course, his most “notorious” brush with fame came in 1999 when he was the subject of a dreadful article in *The News of the World* under the headline ‘This cardigan wearing Tory looks like a harmless grandad... but he deals in heroin’. Unlike many, Paul’s libertarian beliefs were not just empty theorising. When, as in this case, he wanted to learn and write about the issue of drugs—Paul was an ardent believer in the decriminalisation of narcotics—he went out and talked to drug users and prostitutes in his area and gathered their life stories. Somehow this ended up translating into the “newspaper” headline noted. The full story can be read in Paul’s own article on the affair in the February 2000 issue of *The Individual* that can be found on the SIF’s website. However, it speaks volumes for his character when he wrote in the very first paragraph of his article, “I particularly resented the image implied by the ‘cardigan wearing grandad’ description”! Needless to say, Paul was supported by both the SIF and the LA. Sadly, his local Conservative Party association couldn’t bear to have such a

freethinker in their midst...

Paul will be much missed and we extend our thoughts and best wishes to his family.

Finally, on behalf of all of us in the SIF, I would also like to extend our best wishes to our good friend Dr Chris Tame. Chris, of course, is the founder of the Libertarian Alliance and, aside from being one of the most important people in keeping libertarianism alive in this country, I regard him as a personal friend and mentor. The LA started off as the SIF’s youth wing but has long since taken on a remarkable life of its own to the extent that these days it is undoubtedly a much more influential organisation than its “parent”. (I should note here that I am the editor and membership secretary of *both* organisations, so they are clearly not in conflict!)

In July 2005 Chris was diagnosed with a rare and aggressive form of bone cancer. Since then he has been in and out of hospital and has often been in great pain and discomfort both from the disease itself and from the side effects of the treatments that he has received. Nevertheless, as would be expected from someone who regards bloody-mindedness as one of the cardinal virtues, he remains in good spirits and, indeed, on good form. We were fortunate that Chris was able to attend the SIF’s public talk in October 2005—given by our LA colleague, Dr Sean Gabb—and then after another period of hospitalisation the LA’s two-day conference and banquet held in November 2005 in the magnificent settings of the National Liberal Club in London.

The standing ovation that Chris received at the banquet was an unambiguous and moving testimony to the affection and respect in which Chris is held throughout the libertarian movement. Our thoughts are with him.

Nigel Meek

“Paul was a lovely, fascinating and courageous man.”

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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 liberty of the individual, subject only to the equal liberty of others.**

### **The SIF promotes...**

- ✓ The liberty, 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**