

In this issue:

- The media old and new.
- Seatbelt compulsion: A denial of 'responsible individual freedom'.
- More on the crucial difference between 'race' and 'culture'.
- The importance of social cohesion in times of trouble.

STILL EXCUSING EVIL

Earlier this year, one or two newspapers and internet newsgroups took note of a particular report only for it to disappear just as swiftly. This is a pity, for it said almost all ones needs to know about the loathsomeness of much of our contemporary Establishment. The following appeared in Andrew Pierce's 'People' column in *The Times*, 29th May 2003, p8...

Trevor Phillips, the head of the Campaign for Racial Equality, has revealed in the Irish Post why a bust of Lenin sits on his desk. "It's there as a reminder . . . Just because the Soviet experiment failed, we should not throw everything Lenin did out the window."

**Lenin****Trevor Phillips**

One could hardly wish for a more perfect example of the asymmetry of treatment of communism and fascism. Imagine the uproar if a leading British politician and member of the Great and Good announced the he kept a bust of Hitler, Franco, or Mussolini on his desk. *"Just because the Nazi/Falangist/Fascist experiment failed, we should not throw everything Hitler/Franco/Mussolini did out the window."* A career abruptly terminated, and rightly so.

It was Lenin, not Stalin, who first set up and led one of the most monstrously evil regimes that the world has ever seen, one that was ultimately responsible for around 20,000,000 deaths in the former Soviet Union alone. That a man who expresses even a scintilla of sympathy for such a tyrant and his works can rise to a position of influence in this country at the start of the 21st century is terrifying indeed.

Nigel Meek

Just what did Mr Phillips have in mind? Perhaps the capture of the apparatus of the State by a minority of collectivist extremists and the subsequent extinction of individual liberty in the name of "the good of the many"? Even so, one doubts – *one hopes!* – that Mr Phillips would go so far as advocating the physical liquidation of the bourgeoisie and anyone else deemed "enemies of the people"...

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Edited by Nigel Meek. Published by the Society for Individual Freedom. For contact details, see back page.

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THE RISE OF BLOGGING! AN ANTIDOTE TO THE STATIST MEDIA

Nigel Meek

The Rise of the Blogsite

Some readers of *The Individual* may have never heard of ‘blogging’ – short for ‘web logging’ – yet it is potentially one of the most positive media and cultural developments of recent years.

A variety of definitions exist, but in essence blogsites – at least the ones worth reading – represent often-themed, internet-located journalism. Of course, the internet has been used to disseminate ‘alternative’ views for many years. However, standard open-forum newsgroups are often difficult to read and seem disproportionately to attract a ‘crank’ element. Blogsites have changed this. They tend to be much more competently run by specific individuals and groups, possess a more attractive and user-friendly appearance, and limit major access to trusted individuals.

For a while I was a little sceptical about whether blogging would break out from its own, somewhat insular counter-culture milieu. If nothing else, many bloggers seemed overly proud of their exclusivity and trendiness. However, now that things have ‘matured’, I am becoming more convinced that blogging is a way (a) for the public to get around the largely collectivist and politically-correct mainstream media, and (b) for any remaining honest and competent opinion-formers and decision-makers such as reporters, academics, and politicians to access information and views not normally given fair coverage.

One of the most outstanding instances of the impact of blogging – and one that had the mainstream print media sit up and take notice since they were the target – were the revelations concerning a journalist on the leftist-inclined US newspaper *The New York Times*.¹ One of their journalists – a Mr Blair, no less! – was exposed as having concocted stories that he filed with the newspaper. This in turn led to an exposé of the newspaper’s ‘politically correct’ hiring and promotion practices. It also highlighted what many on the left – at least those who are aware of such things – have been saying for some time: that blogsites are disproportionately run by those of a libertarian or conservative persuasion.

But there is also a danger in this. Until now, blogsites – and the internet generally – have been seen by many as primarily the domain of ‘nerds’, only worthy of comment whenever we have the latest outbreak of over-exaggerated paedophiles-on-the-

internet scare stories. But if mainstream politicians and media-folk begin to be aware of the potential power of blogsites then, as sure as night follows day, there will be howls of condemnation aimed at the “unfairness of these completely unregulated blogs” and calls for their control. Any guesses who will be the first politicians from a major political party to say, apropos blogsites, “Of course, we all support free speech. *How- ever...?*”?²

Rather than carrying on any further, I will let the “stars of the show” speak for themselves. I have listed below a handful of the many blogsites that now exist. These are amongst my personal favourites. Within each of them you will find links to a large number of other blogsites, often if not always of a libertarian or conservative inclination. If you have access to the internet – particularly if at home – I urge you to take a look at these at least once a day, especially the first two: *Samizdata* and *Biased BBC*. You will find them a refreshing change and useful corrective to much of the mainstream media’s socialist, social-democrat, green, and/or Europhile agenda. Many blogsites, although they have a restricted-access policy for the main contributions, often allow freer access for comments from readers. Add your own thoughts!

In the meantime, it is not the intention of the SIF’s webmaster, Howard Hammond-Edgar, or me to create an SIF blogsite! We have our own regular website – found at www.individualist.org.uk – which we use both as a permanent ‘corporate presence’ site listing the aims and beliefs of the SIF, to advertise our events, and to carry downloadable versions of *The Individual*. However, blogsites, at least to run them properly, take a good deal of time which, sadly, we do not have. This is another reason to be grateful to the men and women – and the fact that a lot of women *are* involved is in itself very encouraging – who are doing so much good work.

Selected Blogsites

Samizdata.net (www.samizdata.net/blog). “A ‘blog’ for people with a critically rational libertarian perspective. Developing the libertarian meta-context for the future. From the very serious to the extremely frivolous...” This is without doubt the finest libertarian or conservative generalist blogsite in the UK, and indeed one of the best in the world. It features the thoughts of some of the

“blogging ... is potentially one of the most positive media and cultural developments in recent years.”

very best of today's writers and polemicists and I cannot recommend it too highly.³

Biased BBC (www.biased-bbc.blogspot.com). Another 'must see' blogsite that exposes the anti-capitalist, anti-conservative, anti-USA, anti-Israeli, pro-leftist, and pro-EU bias of the BBC. In particular, it notes how subtle and insidious much of it is.

Freedom and Whisky (<http://freedomandwhisky.blogspot.com/>). Subtitled "A libertarian returns to Scotland", this is run by leading libertarian David Farrer. For many of us 'south of the border', Scottish politics can seem to be something of a mystery. David cuts through all of that and gets to the heart of the goings-on of Scotland's overwhelmingly socialistic political and cultural elites.

The Edge of England's Sword (www.ianmurray.org/MT/). Another very good generalist site, albeit with slower 'traffic' and perhaps a more conservative inclination than Samizdata.

Natalie Solent (<http://nataliesolent.blogspot.com/>). As the introduction says: "Politics, news, libertarianism, science fiction, religion, sewing. You got a problem, bud? I like sewing." An eponymous, informative, and entertaining blogsite from the indefatigable Ms Solent.

White Rose (<http://whiterose.samizdata.net/>). Founded only this summer, its purpose "is about bringing together people from across the political spectrum to oppose invasive government, with specific focus on civil liberties. Its aim is to stimulate debate, offer practical ways to oppose and resist measures that deny personal liberty and encourage practical alternatives to problems that do not abridge individual's freedom."

An Unsealed Room (<http://allisonkaplansommer.blogmosis.com/>). Subtitled "A window on life in Israel", this is another one-woman blogsite. An interesting combination of viewpoints since Ms Sommer, a professional journalist originally from the USA, whilst obviously pro-Israeli also de-

scribes herself as being of leftish 'domestic' views.

Notes

(1) Sarah Baxter, 'Editor falls to the bloggers' rapid poison', *The Sunday Times*, 8th June 2003, p22.

(2) Indeed, this is already happening. The Council of Europe has proposed that blogsites and similar websites must offer a 'right of reply': see Perry de Havilland, 'A message to the European Union from Samizdata.net...', *Samizdata.net*, www.samizdata.net/blog/archives/003673.html#003673, 16th June 2003. The difficulty for many on this matter is highlighted by Robert Henderson's article in this very issue of *The Individual*. For Mr Henderson is an example of 'the little guy' being traduced by 'big media' whereas blogsites are often only one or a very few 'little guys' taking on the might of the State. Meanwhile, *Samizdata* and blogging generally has now reached the House of Commons, albeit on quite friendly terms: see Perry de Havilland, 'Blogs, blogs, everywhere', *Samizdata.net*, www.samizdata.net/blog/archives/003945.html#003945, 15th July 2003.

(3) Moreover, *Samizdata* was noted as being one of the "top of the blogs" in an article on blogging that appeared in the supplement to *The Times*: see Damian Whitworth, Michael Gove, and David Rowan, 'The (not so) secret diary of a blogger', *The Times*, T2, 30th June 2003, pp4-5. However, to compound the rather sneering tone of the piece – unsurprising, perhaps, from the Establishment media – they managed to get *Samizdata's* website address incorrect and misrepresented *Samizdata* by reference to the traditional but actively misleading 'Left-Right' model of politics.



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"[a] blogsite that exposes the ... bias of the BBC."

A Sign of the Times...

Seen recently by a reader of *The Individual* indicating who worked in an office of a certain Further Education college...

Secretary's to the Assistant Principals

Another example of dumbed-down education?

CHOICE IN PERSONAL SAFETY (CIPS): AIMS AND VIEWPOINTS

CIPS and the SIF

In 2002, already having a degree of membership overlap, CIPS partially merged with the SIF. CIPS continues to exist as an autonomous campaign group but pays half of its membership dues to the SIF. In return, CIPS receives logistic support from the SIF and its members are credited as full members of the SIF, being entitled to vote at AGMs etc. and receiving SIF literature such as *The Individual*.



What is CIPS?

We are a voluntary organisation owing allegiance to no-one. We are funded entirely by donations and subscriptions. Therefore, we do not have to toe the line to anyone in order to keep going. We research laws made in the name of public safety, primarily seatbelt use. We test proposals logically and unemotionally against standards. If they pass, we support them. If they fail, we oppose them. More have failed than passed in the last 20 years. We believe that many current safety laws do not really improve safety. Their motivation may be good but their practical effects are minimal.

What Does CIPS Think Should Happen?

We hold that laws that go against human nature can never work. Human nature does not like piles of restrictions from those who claim to know what's best for us. We all know what trouble the local busybody can create, and many current safety laws come from the same sort of mentality. We are not anti-safety, but say that present ideas on the subject are not the best. It is strange, but most new safety laws only have a temporary effect.

We claim that most folk are sensible, irrespective of age or anything else. Yes, you always get some idiots, so you have to have rules and laws to check them. However, those laws should be no more than necessary. Most folk will behave sensibly if given the chance.

Constant media scare stories and government warnings don't do anything but produce a worried and frightened population who see all sorts of dangers where as often as not they don't exist in any significant form. We think that this is the wrong way to go. Take road deaths as an example. They are less than 1% of all deaths. Accidental deaths in the home are about the same number but you never get stories about that.

Whatever you do in life contains a risk. It always has, and always will. Sensible folk know that and act accordingly because no-one wants to be a casualty. We say that people should know the real risk probability in such things as driving, so that they can make their own choices as to how best to handle the situation. Seatbelts are the prime example. Compulsory by law, they can kill and injure as well as save: it depends on the circumstances of the crash. We hold it morally wrong to have a law forcing the use of something that can do harm. People should be free to choose.

Has All of This a Philosophical Angle?

Yes, but that's not the whole story. Engineering, statistics, and medicine all come into it as well as philosophy. From the philosophical angle, no-one wants a society run like an ant-heap, except those who see themselves as the controlling ants. Ant-heaps lead to tyranny, which always ends in disaster. Freedom never all goes at one swoop: it disappears gradually. One law after another is made in the "interests of public protection" until you wake up one morning to find you no longer live in a free country. No-one notices until it is too late.

We say that most folk will behave sensibly from personal choice, but only if they see that they have the right to exercise that choice. Treat folk as if they were potential offenders and that is just the behaviour you will get. A funny thing is that the more a country is regulated by laws the more criminals they get.

So, How Does Society Treat the Motorist at the Moment?

In essence, badly. It sees him or her as a potential criminal who has to be regulated down to the last detail. No other section of society gets that treatment. It used to be a principle in law that no person should be in danger from the law unless his actions caused actual harm to a definable person or persons. Not so with motoring law today!

On top of that, there are things a motorist can get into court for that are offences he does not know he has committed. Over the breath test limit is one like that. You may honestly believe that you are on the right side of the law but find otherwise at a roadside test. Is that really a fair law? Do not get us wrong: we do not uphold either speeding or drunken driving, but there are limits in controlling such things. We think those limits have been exceeded to an unacceptable degree.

"A funny thing is that the more a country is regulated by laws the more criminals they get."

What About the Well-Known Causes of Accidents?

You probably do not know that the Department for Transport keeps no statistics on accident causes or adverse seatbelt effects because they say that they are too open to question. So much for "well-known causes". The fact is that almost every accident has multiple causes, some more significant than others. It can be rightly said that the vast majority of crashes are caused by perfectly sober drivers doing silly things, but that avoids the question as to why they did them. Momentary inattention maybe. Fooled by an unlikely road situation maybe. And many other possibilities. The usual approach is to try to pinpoint the major factor in the usual multiple ones. That is not easy, but some do stand out. Not all of them are the ones beloved of road safety officials, civil servants, and politicians.

There is a thing in human psychology called risk compensation behaviour. Professor Gerry Wilde of Queens University in Canada first brought it out. Broadly, it says that we all have an acceptable level of risk in our make-up and that we subconsciously try to keep it constant in whatever we do. It makes sense: you will do things two rungs up a ladder that you will not do near the top! However, it also works the other way round. Make a person, to their perception, safer in an activity by something like a safety law and they behave more dangerously to keep their level of risk constant. The funny thing about this is that while the Department for Transport does not accept it as a factor in driver behaviour the Home Office (who run the police) did accept it in their Research Report 124.

We hold risk compensation to be a major factor in driver behaviour. Ever noticed how things like anti-lock brakes are used as performance-increasers? They are supposed to be there for safety! Seatbelts are a prime example of how risk-compensation works. Obvious at all times, they give the driver a false sense that he is invulnerable and almost crashproof. He reacts accordingly although he does not realise it.

What Few Simple Things Does CIPS Think Will Help?

The real key to road safety is responsible and sensible driver behaviour. That does not mean we want every driver to behave like a timid rabbit: people like that often cause accidents that they are not involved in themselves. It means things like being alert, taking a pride in driving skill, "expecting the unexpected", and not placing infinite trust in safety devices such as belts and anti-lock brakes. It means remembering that no safety device ever prevented an accident. All such things can do is to hope to let you crash in greater comfort. The crash should not have happened in the first place.

That is the driver's side of it. The government side is that it must stop treating motorists as potential criminals. Encourage folk to behave from a sense of personal responsibility and they will act accordingly. Treat them as idiots and they react accordingly: that is what happens now. That means no more laws that regard motorists as idiots. It can also mean getting some existing laws of this kind repealed.

Seatbelt compulsion is the prime example of a law that should be repealed. The fact is that belts can kill and injure in some circumstances. Therefore, they are a mixed blessing. There is a risk without them but there is also a risk with them. People should have the freedom to choose which of those two risks they regard as the smallest one and act accordingly.



The above is a slightly amended version of text taken from Choice in Personal Safety's website found at <http://users.aol.com/forgood/seatbelt/>.

Contacting CIPS

All enquiries about seatbelt compulsion and related issues should be sent to CIPS directly rather than to the SIF. CIPS's postal address is: CIPS, Mount House, Urra, Chop Gate, Middlesbrough, TS9 7HZ, UK.

"People should have the freedom to choose ... and act accordingly."

SOCIETY FOR INDIVIDUAL FREEDOM: MINUTES OF THE 2002 AGM

Date, Time, and Place: The meeting was held at the Westminster Arms on 3rd December 2002, 5.15pm.

Members Present: The Lord Monson (President), Dr Barry Bracewell-Milnes (Chairman, National Council), Michael Plumbe (Chairman, Executive Committee), Professor An-

tony Flew, Don Furness (Chairman, CIPS), Nigel Meek (Editor, *The Individual*), Derek Norman, Fabian Olins, Lucy Ryder (Hon. Treasurer) for latter part of meeting, Jack Scullard, Jenny Wakley (Joint Hon. Secretary), Peter Wakley, David Wedgewood, and Rhoda Zeffertt (Acting Minutes Secretary).

Apologies: Paul Anderton, Howard Hammond-Edgar, Peter Jackson, Cynthia Campbell-Savours, and Mariella Wolf.

The minutes of the AGM 2001 were taken as read and accepted.

Chairman's Report: The Chairman's Report was circulated and read by members present.

Matters Arising from the Report: Mike Plumbe was delighted that the SIF has been responsible for helping Dr Alan Dean and Alison Bourke in their fight for the General Practice Research Database. Lucy Ryder, Peter Jackson and Paul Anderton were particularly thanked for their efforts.

Mike Plumbe stated that we must continue to support the fight against the EU directives on Vitamin Supplements. The Society needs a replacement to take over representation on the campaign from Mrs Gilchrist who is currently out of the country. Jenny Wakley is hoping that a new member, Mrs Helen Parselle, will take over the project.

Nigel Meek reported that there have been over 1300 hits on the Internet site and he is very pleased with the results. In the future additional links to CIPS (Choice in Personal Safety) will be added. It was noted that *The Individual* and the website have both greatly improved and are now very professional, under the auspices of Nigel Meek and Howard Hammond-Edgar and with publishing and distributing help for *The Individual* from Robert Stevens.

Mike Plumbe said there had been some good meetings of the Society during the year. Ted Goodman's talk will be added to his report before it is circulated.

The luncheon, held at the House of Commons, hosted by Richard Shepherd M.P., was a great success.

In reference to CIPS, Mike Plumbe welcomed Don Furness, its Chairman. Mr Furness said they had lost a few members who did not want to affiliate with SIF. It was decided that CIPS articles would be printed in *The Individual*, when appropriate. Don Furness agreed and said he would pass this on to the members. Nigel Meek pointed out that CIPS membership has boosted the SIF membership and given SIF a cash injection.

Jenny Wakley proposed a vote of thanks to Mick Champness for his reports on the Campaign for Freedom of Information.

Mike Plumbe mentioned there had been some new members this year and thanked everyone who had worked on behalf of the Society.

Treasurer's Report: Due to the absence of the Treasurer and her report, Mike Plumbe proposed that the Treasurer's Report would be approved in Committee and put forward for ratification at the next AGM. This was seconded by Dr Bracewell-Milnes.

Election of Officers: The following were elected to Office: President, The Lord Monson; Chairman of the National Council, Dr Barry Bracewell-Milnes; Vice-Presidents, Sir Richard Body, Dr Barry Bracewell-Milnes, and Professor David Myddelton; Hon. Treasurer, Miss Lucy Ryder; Hon. Editor, *The Individual*, Nigel Meek; Joint Hon. Secretaries, Peter Jackson and Mrs Jenny Wakley; Webmaster (new post), Howard Hammond-Edgar.

Dr Bracewell-Milnes proposed, seconded by Peter Wakley, that Michael Plumbe be re-elected as Chairman of the Executive Committee. Carried unanimously.

Election of Officers to the National Council: Jenny Wakley proposed that the following be elected to the National Council: The Lord Monson, Dr Barry Bracewell-Milnes, Paul Anderton, Peter Jackson, Nigel Meek, Major Peter Wakley, and David Wedgewood. Rhoda Zeffertt seconded the proposal and it was carried unanimously.

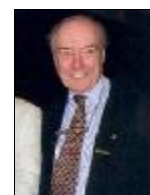
(Lucy Ryder joined the meeting at this point.)

Any Other Business: Nigel Meek is interested in cleaning up the database. He said there would be a full list of members shortly so that subscriptions can be collected more easily. In reference to these, (a) he would like annual reminders sent out and (b) he suggested that, providing that the Society had some definite project or other justifiable expense in mind rather than just a desire to raise funds, it might be an idea to solicit donations from selected Life members.

Lucy Ryder said that (b) had been tried before and had not been successful. Lucy agreed that her Treasurer's Report should be taken in Committee later.

The next SIF meeting will be announced shortly.

The meeting ended at 5.50pm.



Michael Plumbe
Chairman of the SIF Executive Committee

"The luncheon, held at the House of Commons, hosted by Richard Shepherd MP, was a great success."

SOCIETY FOR INDIVIDUAL FREEDOM: MINUTES OF THE 2002 NATIONAL COUNCIL MEETING

Date, Time, and Place: The meeting was held at the Westminster Arms on 3rd December 2002, 5.50pm.

Dr Bracewell-Milnes took the chair and stated that there was nothing to report - everything had been peaceful and quiet and that the Executive Committee have done a grand job.

He proposed, seconded by Mike Plumbe, that

Paul Anderton, Cynthia Campbell-Savours, Mick Champness, David Wedgwood, and Mariella Wolf be elected to the Executive Committee, carried unanimously.

Jenny Wakley thanked Dr Barry Bracewell-Milnes for continuing in his valuable capacity as the Chairman of the National Council.

The meeting ended at 6.00pm.

A MEAN AND IRRATIONAL HARASSMENT: A REVIEW OF DR BARRY BRACEWELL-MILNES' EUTHANASIA FOR DEATH DUTIES

Professor Dennis O'Keeffe

What does it signify if parents leave to their children certain properties or other forms of wealth? Apart from the fading claptrap of the Marxist sort, about the reproduction of the capitalist 'ruling class,' an economic sociology almost no one takes seriously now, there is a range of more mundane and thoroughly individual possibilities. It could be that the testator, whatever his position in the social hierarchy, if he were imprudent or unlucky, actually inherited more wealth than he now bequeaths. More typically though, given that in the last sixty years of the twentieth century the overall trend in Britain has been an upward curve of prosperity, it means that the testator, sharing in that growth of prosperity, saved some of his income, crystallised as wealth. Certainly, the intentions of many citizens today could hardly be clearer. They wish to leave some of their substance to their children or other family. That parents mostly wish this, was pertinently observed by Alfred Marshall, says Bracewell-Milnes. Yet today once an estate exceeds £242,000, inheritance tax is levied on it at 40%. In many parts of the country, especially in the South East, very modest houses are worth twice that much or more. Effectively the state is removing from people's children a large slice of the only wealth being left to them - their parent's homes, which the latter worked for decades to pay for and maintain. Should not the mildest of temperaments be moved to outrage by such predation?

This learned and elegant monograph does, indeed, exhibit a quiet indignation. Why is the thing maintained? Other English-speaking countries, Canada, Australia and New Zealand, have abol-

ished death-duties, with apparently, so the author says, no adverse consequences. Since those who bequeath and those who inherit are obvious losers in this process, who exactly gains? Inheritance taxes yield a derisory amount to the Treasury, the gross take being small and collection costs very high. The net yield to the Exchequer in this country had fallen to 1.6% of total revenue by the start of the third millennium. Moreover, giving and inheriting have 'negative economic taxable capacity.' The revenue yield from them is always exceeded by the social loss (destruction of wealth) which they cause. As the author goes on to explain, people spend away their wealth when they know it will be penally taxed before it reaches their heirs.

Bracewell-Milnes comes to the core of his argument in Chapter Two. The desire to bequeath is itself a significant stimulant of the pursuit of wealth and the presence of death duties a significant deterrent to the same, whether we are talking of great or of modest wealth. Penal taxation of that which one leaves one's heirs is similar in effect to penally high income tax or corporation tax, it encourages consumption and deters savings and investment. On the whole, moreover, as the author points out, the incidence of death duties tends to fall disproportionately on 'middle wealth,' the poorer groups avoiding it partially or wholly and the rich having their own means of fiscal non-compliance. Death duties were spurred onwards in the nineteenth century, first by the abiding influence of the French Revolution and its animus against the rich, secondly by the totalitarian thought that Revolution fertilised and by

"The desire to bequeath is itself a significant stimulant of the pursuit of wealth..."

the growing favour in which the insidious perspectives of social engineering were held. None of this has much of an audience now, and Bracewell-Milnes opines that the 'principal ally' of death duties today is inertia.

Yet the survival of inheritance taxes is surely a rather exotic case of inertia. It is also inertia which permits the survival of socialised education and medicine, people fondly holding on to the state nurse lest the private dispensation turn out to be far worse. In these cases the fatal inertia is at least compensated by some pretence at production, however inadequate. Inheritance tax is all cost and no benefit, not even producing inferior outputs like those of LEA schooling and the National Health Service.

Dr Bracewell-Milnes's Chapter Four ought to be included on all undergraduate economics courses. It deals with that minority of cases where enjoyment and

use, which are usually complementary, as in the pleasure one gets from consuming a bottle of wine which one owns, instead compete. This is so when decision-makers engage in 'perpetual saving' that is to say saving which is deliberately never depleted. Typically these decisions might be by parents whose 'enjoyment' of their perpetual saving derives from the satisfaction of knowing that these resources will, undepleted, be at the disposal of their children. Provided they remain in cohesive ownership, for example by close-knit families, resources whose possession people enjoy while they refrain from ever using them, are never idle, but rather become, via the operation of the financial system, a permanent loan to the rest of society. Even if Say's Law that supply creates its own demand did not hold one hundred per cent, they are certainly more available than when they are being destroyed by predatory taxation. Any

taxation of perpetual saving through its encouragement of consumption will effect a diminution in this permanent loan.

Some of the surrounding and supporting obiters in this monograph deserve to be more commonplace than they are. For example, since there is no universal standard of equality, egalitarian principles do not furnish taxation with any policy basis. Another such example is the fact that there are multiple types of prosperity which cannot be reduced to a single standard of calibration. A legitimate sense of prosperity attends the activity of perpetual saving, which as the author points out may be the result of a single act or of a series of cumulative acts. One cannot simply total a person's expenditures to see how 'prosperous' he is.

As so often with anti-interventionist writings, a free market counterfactual, uncovering the better and more efficient alternatives at present obscured by state activities, forces its way through an analysis of the latter, with a

salutary rebuke. We would almost all be better off if the state would only butt out of our private affairs. Apart from a dwindling band of bureaucrats and socialists whose first joy in life is spending other people's money, very few persons benefit from the present rapacious and irrational fiscal dispensation under which we live.



Euthanasia for Death Duties, *Barry Bracewell-Milnes, IEA, 2002, £10. This review first appeared on pages 61 and 62 of the Autumn 2002 (Vol. 21, No. 1) issue of The Salisbury Review and is reprinted with kind permission. Professor Dennis O'Keeffe is Research Professor of Social Science at the University of Buckingham. Dr Barry Bracewell-Milnes is Chairman of the National Council of the SIF.*

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**Profesor Dennis O'Keeffe
at the Libertarian Alliance's 2002 Conference.**

FREEDOM VERSUS SIZE AND SCALE

John Papworth

There is a disposition to discuss issues of freedom with a curious lack of any reference to the factor of scale and the apparent assumption that it has no bearing on such issues.

It would seem that the existence of democracy is taken for granted because we follow the lead of the ancient Greek city states in proclaiming the right of the individual to have a voice in the affairs of government. We rather blithely assume that a principle of government which enabled a population of several thousand to determine government policy is still operative in a country of many millions.

Is it? Indeed how can it be? All experience, to say nothing of common sense, indicates the bigger the unit the smaller the significance of the individual (and also contrawise). They also indicate the bigger the controlling organs at the centre the less powerful become the individual members, a fact which helps to explain how and why all giant states do not hesitate to implement policies which, whilst serving the power interests of those at the centre, may be contrary, and often harmful, to the individual.

The stock retort to this is to observe the citizen does have a vote (at least some may), but again the factor of scale comes into its own. It is centralised forces which govern giant political parties and which determine much of media content, and which also promote the values and the assumptions which a largely unreflecting mass is often content to adopt. If at times it refuses to adopt them, the Iraq war, 'EUrope', weights and measures, for example, it is simply ignored. A *mass* democracy is an oxymoron.

Again the concept of freedom is assumed to sanction the freedom of entrepreneurs to play the market as they will with no recognition of the extent to which the scale factor can obliterate the conditions on which such an assumption operates.

My window cleaner is a capitalist; his ladder, bucket and mop constitute his capital, and in a free market the play of competition largely determines the level of his charges. When Smith declared: "Your butcher does not give you your Sunday joint because he loves you," he was assuming the existence of a personal relationship between the butcher and the customer and that the latter had a freedom of choice among several enterprises.

As Marx foresaw, the principle of competition has an inherent tendency to cancel itself out. Competition involves winners and losers, so the losers disappear whilst the winners compete among themselves to create another, larger, arena of competition, leading to mergers, takeovers and so on to the global levels we are witnessing today.

To blithely ignore the factor of scale here when promoting market freedom is to ignore that what we are promoting is the freedom of a powerful minority to exploit a huge majority in largely monopoly conditions where the freedom of the market has ceased to exist.

The development of computers and the Internet in terms of freedom and morality is another indication of the supremacy of the factor of scale. What else is morality, what else can it be, but an expression of personal relationships? It is our personal relationships within our families and our local communities which helped to determine our notions of right and wrong, notions which, whatever their shortcomings, managed to keep our grosser instincts at bay and to provide a decent basis for civilised existence.

Thanks largely to non-free *giant* market forces our relationships have become increasingly impersonal, as relationships with institutions, whether governmental or of the market increasingly dominate our lives. So the family dissolves into one-parent child rearing, shopping is no longer at a neighbouring shop but at a supermarket which may be miles away, entertainment becomes the passive impersonal viewing of a television screen as the community simply disintegrates.

We may note here that whilst personal relationships are generally on a basis of equality, i.e., on a basis of shared power, impersonal relationships with institutions are decidedly unequal, for the power to determine policy and ordain principles is emphatically at the centre of any giant organisation. Those at the centre in any case have a continuous intense interest in the affairs of the institution, whilst those not at the centre have lives to live, involving attention to a multitude of concerns of which their relationship with any particular organisation is generally unavoidably peripheral and fragmentary.

If some of this helps to explain the current moral collapse of the media and television, with multiple section 'newspapers' of hundreds of pages when all moral concern centres today on the need for restraint of consumption and avoidance of waste,

"We rather blithely assume that a principle of government which enabled a population of several thousand to determine government policy is still operative in a country of many millions."

or the deliberate vulgarisation of their contents (a free market?) and the daily degradation of television programmes. Of course all this is 'giving people what they want', but who is inducing them to want it and pandering to our baser instincts instead of appealing to what is fine in ourselves, concerns on which the progress of civilisation depends?

This process has now reached some sort of apogee with pornography on the Internet, where ultimate forms of horror involving the mutilation and torture of children or sexual assaults on babies are to be witnessed in return for credit card payments. One entrepreneur in the USA (now sentenced to jail for 1,335 years) became a multimillionaire overnight charging \$30 to more than a quarter of a million viewers, of which over seven thousand were in the UK. His imprisonment has not stopped a horde of other entrepreneurs seeking to emulate his market success.



John Papworth
painted in 1996 by Natlie d'Arbeloff

How does one outlaw such activities without throwing the baby of freedom out with the bathwater of obscenity? We are back to the factor of scale. Any *mass* society is an inevitable vehicle of mass degradation. This is largely because the forces which impel the existence of the mass, political and commercial, are themselves out of control. They are responding to the imperatives of 'growth' because they must so respond if they want to be on top at all. If at any stage they wanted instead to acknowledge moral or ecological imperatives that might weaken them they would at once be ousted by their rivals.

This is why modern civilisation is now in a tailspin of self-destruction regardless of any moral considerations whatsoever. It is a consequence of failing to recognise that we are just not made to live on mass terms at all and that if we want both

freedom and some sort of decent moral restraints we have to opt to live in small-scale communities. And why? Because a community by definition is a body in which the personal relationships of its members are the strongest force determining its character. It is the moral consensus stemming from those relationships which is able to reconcile freedom with responsibility and keep open the path to progress instead of impelling us to rush like Gadarine swine to a destiny of utter damnation.

There is an imperative need for the restoration of peoples' power over the machinery of government. Power that makes the local community a power in the land so that decision-making flows from the local control of local affairs and the national government is confined to national concern. This is not a call for a return to a golden age that never was, but to recognise that principles of liberty and individual freedom can only be upheld when people everywhere have the power to do so and to recognise that on mass terms that power will ever be denied them.



John Papworth is the Editor of Fourth World Review (one of whose Patrons is Sir Richard Body). He can be contacted at info@4thworld.co.uk.

The acrylic on canvass portrait of John Papworth was painted in 1996 by Natalie d'Arbeloff as a commission for Mr Papworth's 75th birthday. It is reproduced by kind permission of both sitter and artist. If you are reading the hardcopy version of The Individual you will unfortunately see it only in black and white. However, it can be seen in colour in the online version of this issue (www.individualist.org.uk and then follow the directions) or on Ms d'Arbeloff's own website (www.nataliedarbeloff.com/biggerjohn.html).

"... principles of liberty and individual freedom can only be upheld when people everywhere have the power to do so..."

SYNOPSIS OF FREE SPEECH: THE EU VERSION

Dr Brian Hindley
with a foreword by The Rt Hon. Oliver Letwin MP

Editor's note: The following is the text of a flyer sent to the SIF by the Bruges Group and which readers might find of interest.



Free Speech: The EU Version has been endorsed by Oliver Letwin, who himself has campaigned against the EU's threat to civil liberties.

Oliver Letwin suggests to those that may think Dr Hindley's concerns alarmist that "history is on his side, not theirs." "[A]pparently opaque, ambiguous and obscure phrases in European treaties and directives can have a vast significance for everyday life in Britain." He argues that the Charter and Constitution will lead to a "United States of Europe", and that it must not be imposed without it being debated in a referendum. Otherwise we have finally been forced to

abandon centuries of independence. (Page x.)

Article 54 is, as Brian Hindley and Oliver Letwin explain, a threat to freedom, in particular of speech. This threat derives from the list of subjects that EU citizens have no right to talk about. Article 54 says: "Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of these rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein." (Page 1.)

It combines with the other articles to define areas from which the Charter *withholds* the right of free speech from those who oppose certain rights.

The danger of Article 54 lies in the fact that it will be enforced through the EU Constitution. And if it is to have meaning then ambitious politicians and lawyers that have more regard for European integration than for human rights may well try to create penalties for those who challenge the soft-social democracy enshrined in the Charter. Thus ending democracy in Europe, by excluding alternative policies.

As the Charter will be Article 6 of that Constitu-

tion, which will override the laws of its members, and as EU institutions love to enforce sanctions, the nation-state will be impotent in the face of an authoritarian EU.

It will also undermine the European Court of Human Rights (a non-EU institution) giving too much power to the interventionist European Court of Justice, which will use human rights issues for its own political purposes.

Other provisions in the Charter threaten economic dislocation, that is bad enough, but the ambiguity created by Article 54 threatens fundamental liberties. Therefore, the Government must veto the Charter of Fundamental Rights and the Constitution otherwise we will be forced into a unitary state where human rights and freedoms that we take for granted do not apply.



The full version of the booklet *Free Speech: The EU Version* can be read online at The Bruges Group's website, homepage www.brugesgroup.com. The Bruges Group's postal address is 216 Linen Hall, 162-168 Regent Street, London, W1B 5TB, UK.

"... the Charter *withholds* the right of free speech from those who oppose certain rights."

Against the Nanny-Statists

SIF member Martin Ball had this letter printed in *The Times Magazine* on the 12th July 2003...

[The Home Secretary] David Blunkett's claim that Labour doesn't dictate but rather sets a framework in which people can act freely isn't backed by their record. Rather, they have been revealed as enthusiastic nannies.

Among many other things: telling mums to abandon the school run, home-buyers to avoid endowment mortgages, carnivores not to eat meat on the bone, e-mailers to give up their encryption keys, and wanting to fine people for discarding gum in the street.

We have come a long way from Tony Blair's promise not to boss people in their private lives. Back in 1997 when speaking to his newly elected group of Labour MPs he told them that: "We are not the masters. The people are the masters. We are the people's servant." Perhaps David Blunkett can explain this failed target.

ACADEMIC ACHIEVEMENT AND THE DIFFERENCE BETWEEN 'RACE' AND 'CULTURE'

Nigel Meek

When I write on the subject, I always go out of my way to differentiate between 'race' (immutable physiological characteristics) and 'culture' (mutable attitudinal and behavioural characteristics).^{1,2} Staying with this theme, I want to explore certain figures from the *Census 2001* highlighted in a newspaper article earlier this year³ that demonstrate this.

The two tables set out in this essay analyse academic achievement – which even in these days of 'grade inflation' and other scandals is still correlated with a range of other sociological variables – by racial origin. (In the original article in *The Times*, no fewer than fifteen racial groups – including various mixed races – were described. In the two tables presented here, I have used only the seven main ones. The ordering of the racial groups has also been done for this essay for ease of reference.)

Table 1 is what might be described as a 'Roll of Honour' since it lists the proportion of those from each racial group that possesses a university degree. Table 2 could therefore be termed a 'Roll of Shame' since it lists the proportion of those from each racial group without even a solitary GCSE to their name. (And if you have seen a recent examination paper for at least some Foundation Tier GCSEs, that takes some doing.)

The figures in the tables are interesting in themselves. I suspect that many readers will not be too surprised to see that those of Indian and Chinese origin do so well. They may be more surprised to learn that the best performing of all – especially in the case of GCSEs – are those of Black African origin.⁴ In any event, looking at the figures for degrees in Table 1, the clear gap between these three groups and the others stands out.

However, of equal interest, and the purpose of this article, is not to look at each group individually against all others, but to compare certain groups. In particular (a) Black Africans compared to Black Caribbeans, and (b) Indians compared to Pakistanis and Bangladeshis. If we assume that

Table 1: % of those Possessing a University Degree

Race	With degree
Black African	39%
Chinese	37%
Indian	31%
Black Caribbean	20%
White British	18%
Pakistani	18%
Bangladeshi	14%

Table 2: % of those Without a GCSE or Equivalent

Race	Without GCSE
Bangladeshi	51%
Pakistani	45%
White British	37%
Black Caribbean	34%
Indian	31%
Chinese	30%
Black African	19%

Black Africans and Black Caribbeans are of the same basic racial stock,⁵ and that Indians, Pakistanis, and Bangladeshis are also largely of the same racial stock, then one has to accept that there is something at work other than race. I would suggest that it can only be one of three things.

It is possible that these racial groups live in different parts of the country and are therefore subjected to the differing educational standards

provided by various local authorities. That might be true to *some* extent, but since all the evidence indicates that racial minorities are overwhelmingly concentrated in London^{6,7} – and even then only in parts of London – and a few other urban areas in England, this is unlikely to be able to explain such vast differences.

Alternatively, the differences could be the result of unequal treatment because of their race. Firstly, anyone with a knowledge of Britain's current education system, where multiculturalism is virtually an article of faith, will find the notion of 'institutional racism' wholly risible. In any case, it would have to be a very odd form of racism – indeed, a very discriminating discrimination! – that for example sees Indians do so well not merely relative to their fellows whose families also originated from the sub-continent but even compared to the majority Whites.

We are left, then, with what I suggest is the only alternative: that the reason for these differing levels of academic achievement is down to something that youngsters bring with them to the classroom. (Or that leads them not to attend at all.)

"those of Indian and Chinese origin do ... well ... [and] the best performing of all ... are those of Black African origin."

In short, a set of attitudes and behaviours that predisposes them towards or against the sort of work required to do well in school and beyond.

It is not the purpose of this essay to explore in any detail what the causes of these differences might be: it is merely to indicate that considerable differences exist within Britain's – actually England's – racial minorities and to argue that such differences are largely – although not wholly – down to the attitudes of the youngsters themselves. However, looking very briefly at groups (a) and (b) above, some obvious things stand out. Looking at the differences between Black Africans and Black Caribbeans, again anyone with a knowledge of these groups cannot but admit that there is now a serious problem amongst many urban Blacks of Caribbean origin. (Indeed, we can go further than this and suggest that it is primarily a Jamaican problem and not a generalised Caribbean problem.⁸) There is a pervasive culture – a short-termist, nihilistic hedonism – antipathetic to the disciplines needed for achievement both in education and later at work.

For the differences between Indians, Pakistanis, and Bangladeshis, it is likely that we need look no further than the most obvious difference: religion. Whereas the latter two come from Muslim backgrounds – a religion not noted for its furtherance of scholarship much beyond the rote-learning of the Koran⁹ – Indians predominately come from either Hindu or Sikh backgrounds.

(An important variable omitted in this essay is that of gender. If the performance of Pakistanis and Bangladeshis is poor overall, females of those groups – given that female education as we would understand it is not a priority in Islamic societies – are likely to do very badly indeed whereas males *relatively* less badly. On the other hand, the evidence suggests that female Black Caribbeans do better than males.¹⁰)

The differential achievement rates for Black Africans compared to Black Caribbeans and Indians compared to Pakistanis and Bangladeshis gives the lie to those who claim that the poor performance of many minority youngsters is down to the 'institutional racism' of the education system, 'Islamophobia', or some other factor such as 'alienation'.¹¹ In short, that somehow it is all the fault of the majority, with the minority's woes brought about by the former's (at best) passive indifference and (at worst) active hostility.

This is not to say that racism on an individual level does not exist: an absurd notion. But whatever the cause of the problem – and by extension, so too the solution – at least some minority groups need to look within before seeking to place the blame without.

But to end on a cheerier note. Whatever one's

thoughts on issues such as multiculturalism and immigration, to those from racial minorities who *have* worked hard and prospered: Well done and welcome.

Notes

(1) Nigel Meek, *Modern Left Multiculturalism: A Libertarian Conservative Analysis*, London, Libertarian Alliance, 2001, 8 pages.

(2) Nigel Meek, 'The UK is Not a "Multicultural, Multiracial" Country', *The Individual*, No. 34, May 2003, pp7-10.

(3) Alexandra Frean, 'Black Africans in Britain lead the way in education', *The Times*, 8th May 2003, p12.

(4) This may come as even more of a surprise when one considers the lamentable state of post-colonial Africa. Each country's entry in *Africa on a Shoestring* – Hugh Finlay *et al*, Victoria (Australia), Lonely Planet, 2001, 936 pages – has a two- or three-page outline of that country's history. It is a catalogue of unspeakable horror. Of the 48 countries listed, only one – Botswana – has maintained a fair record of civilised rule since the end of (formal) colonialism. If nothing else, aside from providing more evidence that 'race' and 'culture' are not the same, that many Blacks of African origin do so well in the UK also offers some support for the *humanitarian* objection to large-scale immigration into the UK in that we and other First World countries are siphoning off the Third World's brightest and best. See Anthony Browne, *Do We Need Mass Immigration? The Economic, Demographic, Environmental, Social and Developmental Arguments Against Large-Scale Net Immigration To Britain*, London, Civitas, 2002, 153 pages.

(5) Unless, that is, one believes that the undoubtedly higher level of 'White blood' often found in those from the former slave colonies of the Caribbean somehow worsens those of Black (African) origin, or even that 'race mixing' is inherently 'a bad thing'. But someone who thinks that is probably the sort of person who can insert the word 'miscegenation' into a discussion about the weather.

(6) *Regional distribution of the minority ethnic population*, April 2001, in National Statistics website, URL: www.statistics.gov.uk/STATBASE/Expodata/Spreadsheets/D6589.xls.

(7) White Ethnicity in English and Welsh local authorities, in National Statistics website, URL: www.statistics.gov.uk/census2001/profiles/rank/ewwhite.asp.

(8) Theodore Dalrymple, 'Bum Rap for Jamaicans', *The Spectator*, Vol. 292, No. 9131, 9th August 2003, p30.

“... to those from racial minorities who have worked hard and prospered: Well done and welcome.”

(9) Bernard Lewis, *The Crisis of Islam: Holy War and Holy Terror*, London, Weidenfeld & Nicolson, 2003, 144 pages.

(10) Theodore Dalrymple, *op. cit.*

(11) Iftikhar Ahmad (of the London School of Islamics), 'Education Education and Education', posting to the Department for Education and Skills discussion forum, www.standards.dfes.gov.uk/forums/showflat.p1?

Board=education&Number=1295, 18th June 2003.



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THE WAR AND NATIONAL MORALE

Major George G. Brown (late 9th/12th Royal Lancers)

The free world has declared that it is 'at war'. As I write, the whereabouts of Osama Bin Laden are unknown, Allied Forces are in Afghanistan, and our country has just contributed 40,000 troops to an invasion of Iraq. The USA has already been subjected to attacks on the World Trade Centre and the Pentagon and there is no reason to doubt that similar attacks could not be made on our country. Mr Bush has said that the war is likely to be a long one and we are faced with what will probably be a long challenge, a long period of hostilities; yet, our country has been slow to react to this hostile threat and slow to study the long term consequences for our national life.

In war, morale is of vital importance because it is "the will to win". The dictionary defines "morale" as "moral condition (esp. of troops) as regards discipline and confidence".

In the armed forces high morale is engendered by fostering social cohesion and a belief in the rightness of the cause; the British Army in particular is famous for developing social cohesion through the regimental system and for a belief in itself. In war, the morale of the civilian population is of equal importance, as I was reminded when I referred again to a book which I was given in 1940, 'The War Illustrated', in which appears the headline, "Mr Briton'll see it through". In 1940 social cohesion of the civilian population was largely formed by the family unit for divorce and illegitimacy were comparatively rare and the social services almost unheard of. My own family lived in London and we were a close-knit unit, with our dog and cat first into the air-raid shelter when the alarm sounded; our wider family was supportive and uncles and aunts living in the country always made us welcome whenever we wished to escape the bombing. It is unlikely that in this new war there will be a similar bombardment but there may well be deadly challenges, such as biological and chemical weapons, nuclear explosions and

suicide bombers - and sooner or later we will be tested and our survival will depend upon the cohesion of our whole society and its belief in itself: it will depend upon our morale.

Regrettably, our society is now fragmented. Jill Kirby wrote in the recently published 'Broken Hearts':

"Our society is in the grip of collective insecurity. There is a sense that social disintegration lies not far beneath the surface. The most disturbing aspect of rising levels of violent crime is the increased prevalence of youth crime, including attacks by children on their peers ... the council estates across the street remain bleak and neglected. They are blighted by poverty, drugs and crime ... we also see growing evidence of child homelessness, drug abuse among the young, the physical abuse and neglect of babies and children, high rates of teenage pregnancy and a continuing cycle of broken relationships."

This is surely evidence of low morale, and Jill Kirby continues:

"As the evidence continues to accumulate, there is one persistent factor that so often links all this unhappiness. It is the disintegration of the family."

The creation of small all-Regular Fighting Services has tended to isolate them from civilian life but, in war, all sections of the nation are involved and are interdependent. Figures released by the Ministry of Defence show that the number of men and women in the three armed services fell by nearly 1% during the past 12 months (2001-2002). The present full-time strength of the three services of 189,600 is 6,550 below the Government's target requirement of 196,150. These figures are alarming for last year was yet another year when more people left the armed forces than joined. Those leaving the armed services are highly trained; recruits do not replace them immediately, resulting in a lack of well trained NCOs which is

"... sooner or later we will be tested and our survival will depend upon the cohesion of our whole society and its belief in itself..."

likely, eventually, to have an adverse effect on morale. The fighting services depend upon the families for a supply of good new recruits but many potential recruits lack the influence of a father in their upbringing; with post-divorce half the children losing contact with the absent parent, while of the 40% of children born outside marriage, many have never known a father. The common thread through the story of the children passing through the youth justice system is the lack of a father, according to youth court magistrate and Labour Party member Jonathan Myerson. Young males need the influence of a father to encourage them in manly pursuits; in the absence of a father, boys tend to turn to their peer group for male role models and if that peer group is a gang already committing violence and crime, then the path is predictable, while, according to a recent study published in *The New Scientist*, girls who grow up without a father are more likely to get pregnant in their teens because they identify more readily with men.

The main plank in the Government's policy towards the family is the reduction in child poverty, but this ignores the fact that child poverty is not simply a matter of cash for a very high proportion of the three million children now growing up in poverty are in one-parent families without fathers and extra funds can never solve the emotional damage caused by their being raised in a broken home. Moreover, financial subsidies encourage marriage breakdown because they make it more attractive to be a lone parent. Twenty five per cent of all children in the UK are now living in one-parent families compared with a European average of just fourteen per cent. Financial subsidies also encourage the culture of welfare dependency, in many cases even for those who work, many of whom receive more in tax subsidy than they earn, even before allowing for the cost of child care. Welfare dependency encourages a culture of deceit and dishonesty and, as has been widely reported, with 40% of all families soon to be in receipt of means-tested benefits, this is already a serious problem and one which tends to weaken moral fibre.

We have 50,000 children growing up in the care of the local authorities and a further 350,000 in contact with the social services: does not this indicate that the Government should reform the Children Act 1989, the overriding purpose of the Act being to promote the welfare of children from broken homes? We have the highest divorce rate in Europe: does not this indicate that the Government should reform the divorce laws to encourage reconciliation and justice?

Meanwhile expenditure on Social Security has increased from £80 billion in 1997 to a projected £120 billion in 2003-2004. This compares with £24.6 billion for defence.

The traditional definition of marriage is "the voluntary union for life of one man and one woman to the exclusion of all others" and for nearly two thousand years marriage has been the foundation stone of western civilization, creating stable societies with a moral base, supported by Church and State. It was, therefore, not surprising that in 1998, in its consultation document 'Supporting Families', the Government said: "Marriage is still the surest foundation for rearing children ... we want to strengthen marriage."

Consequently it is very surprising that in 2000 the same Government abolished the Married Couples Tax Allowance and is now, in effect, pursuing a pro-one parent family policy. According to the Institute for the Study of Civil Society, far from encouraging family stability, the Government is undermining it with a tax and benefit system that makes marriage an unattractive option for the less well-off. Poorer couples where one partner works, both work or both live on benefit are all penalised if they get married. "We have subsidised the choice to be a lone parent and in so doing have discouraged the choice of parents to commit to shared responsibility for children through marriage."

I conclude that we are faced with what will probably be a long challenge, a long period of hostilities, when our national future will ultimately depend on our national cohesion and morale, and I cannot see how these can be sufficiently strengthened unless the Government and society as a whole support the institution of marriage, an essential element in our western civilization.



Major Brown was a professional soldier from 1945 until 1965 and was then a barrister specialising in family law. He can be contacted at The Cavalry and Guards Club, 127 Piccadilly, London, W1V 0PX.



"... child poverty is not simply a matter of cash..."

MEDIA ABUSE AND COMMONS EXCUSE

Robert Henderson

Introduction

Between March and May 2003 the Commons Media and Sport select committee conducted an inquiry into media misbehaviour. The committee sat in camera for part of its hearings, but regular and substantial public hearings were held. I attended all but one of them.

The committee's remit was, strictly speaking, intrusions into the privacy, particularly of the "ordinary citizen" by the press and broadcasters. However, "intrusion" was interpreted so widely by the committee that the hearing effectively became an inquiry into media misbehaviour generally.

That is the good news. The bad news is that the behaviour of the committee was a toxic mixture of the grossly incompetent and the apparently self-serving.

The Performance of the Committee

The performance of the committee was depressing in the extreme, both in terms of sheer ineptitude and from their repeated failure to use the information they had in their possession. Any one who witnessed what went on would find it very difficult to believe that the select committee system is an effective means of either gathering useful information or exposing wrongdoing.

The committee members seemed signally ill-prepared for the hearings. They were frequently caught out by those appearing before them referring to submissions they had made and with which the committee members were manifestly unfamiliar. The lack of mastery of the subject was aggravated by the irregular attendance of the committee members.

Most dismally, not one of the committee members seemed capable of building a line of forensic questioning and, consequently, those appearing before them were rarely taxed by the persistent pursuit of a difficult point.

When a line of promising questioning did occasionally develop, all too often the member had to bring it to an end because of a lack of time. This was due to two reasons. First, the committee had eleven members and often all were given an opportunity to question, even where a person was only appearing before them for an hour or less. Second, people frequently appeared before the committee together when representing a single

organisation or interest, making concentrated questioning of one person next to impossible.

But there seemed to be more than ineptitude at work. The committee failed dismally to use the information they had been given by members of the public. Not a single person who had been mistreated by the media was called to give evidence in the public sessions, despite the fact that I and others told the committee that we wished to give evidence in public. Instead, the committee took all evidence from private individuals in camera. Such a general failure to make public personal accounts from the victims of media misbehaviour cannot have been accidental. So why did it happen? Well, let us look at its consequences.

The absence of public testimony meant that no evidence from private individuals was reported by the media. It also meant that no testimony by private individuals before the committee would appear in the committee's report in a form which can be investigated by the media or anyone else.

The committee also notably failed to use the material submitted in writing to them. There were those, including myself, who were willing for their submissions to be used publicly to confront those who appeared before the committee in public session, such as the editors of national newspaper and representatives of the BBC, with concrete evidence of their misbehaviour. This simply did not happen.

What conclusions are we to draw from all this? That the committee was determined not to seriously embarrass the media seems the most plausible explanation. Why were they so determined? A number of possible reasons. Because politicians and media folk are locked in a ghastly symbiotic embrace. Because politicians want good publicity, media folk want stories. Because most, perhaps all, politicians are afraid that the media has dirt on them and are consequently loath to do too much damage to the media for fear of inciting exposure. Because politicians love their opportunities to write for the media and a fair number hanker after swapping their political life for that of the media, while a lesser number of media folk hanker after being politicians. It is all unhealthy incestuous.

Too cynical? Well, let us have a look at a little more evidence.

"Not a single person who had been mistreated by the media was called to give evidence"

The Payment of Money to the Police

The one question put by the committee which struck gold - more by luck than judgement - was the Labour MP Chris Bryant's question to the editor of the Sun, Rebekah Wade, about payments to the police. Miss Wade was dim enough to make an unequivocal admission that she had made payments to the police in the past. The admission was captured on videotape as committee hearing are recorded. So far so good. But what did the committee do with the admission? Nothing is the answer.

Despite a good deal of previous huffing and puffing from the committee on the lack of "proactivity" by bodies such as the PCC, neither the committee as a body nor any member of the committee as an individual made a complaint to the police. Not even Mr Bryant, who, incidentally, was so ill-prepared for his question that he was ignorant of the laws being broken by bribing the police until I told privately him what they are.

I immediately sent a complaint to Sir John Stevens, the Metropolitan police commissioner. I also wrote to the then acting Chairman of the PCC, Professor Pinker, asking them to investigate the admission, which clearly breached the PCC code of conduct. The committee was aware of my letters to Sir John and Professor Pinker before the next public hearing of the committee following Miss Wade's public admission. That hearing included evidence given by the PCC and its funding body, *Pressbox*. One might reasonably have expected the committee to raise the question of my complaint to Professor Pinker, who was part of the PCC delegation giving evidence, with the PCC. The committee failed to do so. It was emphatically the dog which did not bark in the night. Nor was the matter raised during the evidence given by Sir Harry Roche of *Pressbox*, the body which funds the PCC.

A similar situation arose the following week when Baroness Scotland gave evidence on behalf of the Lord Chancellor's department. The question of Wade's admission was raised briefly and indecisively but my complaint to Sir John Stevens went unmentioned.

As I write in late August 2003, neither the PCC nor the police have investigated my complaints concerning Wade's admission. The PCC have refused outright to investigate. In addition to Robert Pinker I have written to the new chairman, Sir Christopher Meyer, without receiving a meaningful explanation of why the PCC will not take up the matter. Neither has replied and the replies I have received from other PCC people include the startling claim that bribing the police is "not something covered by the [PCC] Code", this last in a letter from the Deputy Director Tim Toulmin on 12 May 2003.

The position with the police has descended into rather sinister farce. Despite sending my complaint and a reminder by recorded delivery post, I have received no reply after more than four months. Not receiving an answer, I made a complaint to the Metropolitan Police's internal investigations section, the Department of Professional Standards (DPS) on 8 June. Eventually, I received a letter on 16 July which informed me that the Commissioner and his office had both denied receiving either letter.

I have just received from the Royal Mail copies of the signatures showing that the police did receive the letters. In other words, Stevens and his staff have simply lied. I shall be writing once again to the DPS pointing out that the most senior police officer in the country is refusing to investigate a most serious crime, the bribing of police officers, when he has the clearest of prima facie evidence of the crime, namely, a public admission of the crime before a Commons committee. That is a clear perversion of the course of justice.

I have my doubts whether the DPS will investigate honestly or at all. If they will not investigate a public admission of bribing the police what would they investigate? In the past six years I have sent a series of cast-iron complaints to the Metropolitan Police concerning political figures - readers of *The Individual* may remember my articles 'Elite Mischief' (July 1999) and 'More Elite Mischief' (December 2001) - but invariably they have refused to investigate. Equally disturbingly, in the case of Rebekah Wade, neither the CMS committee nor any of its members as private MPs will take up the failure of the PCC or police to act.

Without support from the mainstream media or a major political party - neither of which I have been able to enlist- I think it reasonable to conclude that the law in practice does not normally apply to those with power, wealth or influence.

The PCC

Perhaps the most revealing episode during the public hearings was the appearance of the PCC representatives before the committee. When the committee asked whether the PCC had taken up the matter of Rebekah Wade's admission of bribing the police, the director, Guy Black, claimed that the PCC could not and did not act where the complaint involved criminal issues.

This was not merely untrue but very obviously untrue. The committee had evidence before them of instances where such complaints had been submitted to the PCC and either gone to adjudication or been rejected on other grounds. For example, my complaints to the PCC in both 1995 and 1997 involved illegal behaviour, including criminal libel, incitement to violence against me, and assault. At

"As I write in late August 2003, neither the PCC nor the police have investigated my complaints"

no point did the PCC say they could not act on my complaints because of the criminal actions.

Other people who made submissions to the CMS have had the same experience of the PCC as I have had. Yet not one member of the committee challenged Guy Black with examples which would have proven his statement to be false. The failure was made all the more odd because in my written evidence to the committee, I had actually supplied letters from Black in which he dealt with complaints that did contain criminal behaviour and to which he raised no objection on those grounds. In other words, Black must have known he was not telling the truth when he made that statement to the committee.

Black also claimed during his evidence to the committee that the PCC would not act where civil action was a possibility to gain redress for the complainant. Again, in both my complaints in 1995 and 1997 and in my further complaint in 2000 against the Observer journalist Nick Cohen of obtaining valuable information by subterfuge, there were clear legal options had I had the money to take them. Yet the PCC did not ever raise these possible civil actions as an objection to my complaints.

More fundamentally the PCC Code of Practice itself makes it clear that matters which are potentially criminal acts can be adjudicated by the PCC. Clauses 1 and 7 raise the possibility of criminal libel. Clauses 4, 8, 10 and 12 concern behaviour which could be the subject of a complaint under the Harassment Act, a complaint of criminal trespass or action for a breach of the peace. Clause 5 forbids the interception of private telephone calls, i.e. phone tapping, which is illegal under any circumstances when committed by a private individual. Clause 13 complaints could concern breaches of the *sub judice* rules or be a contempt of court. Clause 15 could concern breaches of the various Race Relations legislation. Clause 16 could involve a series of offences ranging from fraud to obtaining money by false pretences.

As with criminal matters, the PCC Code comprehensively undermines the claim that cases cannot be accepted where civil action is a possibility. Clauses 1,3 and 7 will probably involve defamation - clause 2 also has a bearing if no opportunity for reply is given. Clauses 4, 5, 8, 10, 12,13, 14, 15, and 16 could all be the subject of tort actions and/or applications for injunctions.

When Guy Black made his claim that where criminal charges or civil suits were a possibility the PCC would not act, it was as much news to me as it was to the committee. Notwithstanding that, I could see instantly that what he was saying was nonsense simply because it obviously contradicted the Code. Yet not a single member of the committee raised the matter with the PCC repre-

sentatives before them. Why not? Because no one on the committee understood what should have been obvious? Because to do so would have been to publicly humiliate the PCC? Whatever the reason it was a most remarkable omission. Nor did the CMS take any action after I had informed them in writing of the manner in which the Code contradicted what Black had said.

The appearance of the PCC representatives also provided a revealing moment of unwitting humour. A PCC commissioner, Vivien Hepworth was asked how she had been appointed. To laughter, she said she was an old friend of Guy Black, the director, who had asked her to apply.

What is Needed to Protect the Public

The CMS dutifully produced a report. It had 34 recommendations ranging from consideration to be given by the BBC, to complaints against them being dealt with by an independent body such as the new broadcasting body *Ofcom*, to the appointment of PCC commissioners being subject to open recruitment procedures. It even recommended that the PCC Code should explicitly ban payments to the police for information.

But the report missed the point. No matter how formally honest the PCC or any other media regulating body was, it could no more serve the public generally than the legal profession can serve the general public in actions for libel where there is no legal aid. The question is one of practicality.

Just as the state could never fund or service libel actions for all who had been libelled, neither can any body, statutory or self-regulatory, possibly service the general public need for redress against the media. The numbers of complaints dealt with both by the PCC and the Broadcasting authorities is minute, running into a few hundred a year. If the public began to use these bodies enthusiastically, they would be overwhelmed. Short of the Government devoting a large segment of the budget to funding vast public bodies capable of dealing with tens of thousands of complaints a year, the redress for the public will remain notional and the existence of bodies such as the PCC worse than useless. I say worse than useless because their existence gives a spurious appearance of media misbehaviour being subject to sanctions.

What is needed is a remedy which is practical and costs the taxpayer very little. There is one readily to hand, namely, a statutory right of reply (RoR). The beauty of this is that it would cost neither the taxpayer nor the aggrieved individual next to nothing, the only possible cost being legal aid to allow complainants to enforce their right if a media outlet refuses to play the game. Alternatively, and this is what I would favour, the small-claims courts could be a vehicle for that, with a paper or

“What is needed is a remedy which is practical... There is one readily to hand ... a statutory right of reply.”

broadcaster guilty of contempt if they refuse to allow a reply.

The media will say that it is completely impractical, that their papers and broadcasts would be full of nothing but replies. In fact, we can say with a very high degree of probability that they would not be. The general experience of the introduction of any new opportunities for the public at large to act upon is that there is an initial burst of activity which soon settles down to a hard core of those willing to make the effort. If by any chance the introduction of a right to reply proved the odd sociological man out and the media was overwhelmed, the system could be amended.

How would it work? I would restrict the right to individuals because corporate bodies should be able to look after themselves through legal action. The qualification for a right to reply would be simple and objective: the media outlet has printed or broadcast material about an individual. Hence, no prior legal decision would be needed before a RoR was claimed.

What would the RoR entail? In the case of newspapers, I would give a respondent 300 words as an automatic right and another 500 words for every 1000 words published about him or her over 1500 words. The respondent's reply should be printed on the same page as the story to which they are responding. If the newspaper responds to a reply, then the person responded to gets at least another 300+ words.

Broadcasting is more problematical, but at the least a written reply by the person criticised could be read out on air. Where the person has the confidence to speak for themselves, they should be allowed to broadcast their reply.

Of course, libel is a consideration. The simple answer to that is to allow the lawyers employed by the media to pull the reply on those grounds. The complainant should then have the right to take the refusal to the small-claims court to decide whether libel exists.

The other mechanism which would provide redress with little cost would be to extend the powers of the small-claims courts to hear complaints against the media for libel and slander and other torts such as trespass. The committee did raise this possibility of their own accord. If it were taken up no appeal should be allowed from the small-claims court decision and the media should not be allowed to employ lawyers before the small-claims court if the complainant does not. These two measures would ensure that money did not prove a barrier or determinant of ultimate legal success.

The effect of these two measures on media folk would be profound. Faced with an immediate published response to any inaccuracy or abusive opinion and the possibility of having to submit themselves to public examination in a small-claims court, media folk would cease to be cavalier in what they write. An analogy would be with the recording of conversations where everyone in the conversation knows they are being recorded. Where that occurs people generally cease to lie about what was said and are careful about what they say.

A statutory right of reply is what the media fears above all else. That alone tells says it is the best remedy. The objections to it are heavy in the imagination but in all probability slight in practice. A case for suck-it-and see.

**"The Irish Republic
should be invited to
... rejoin the UK"**

An answer to the West Lothian question?

- Withdraw from the EU.
- Devolve all powers - except defence and foreign affairs - to the various national parliaments.
- Each parliament to be fiscally independent with contributions being made to the federal government in proportion to population.
- The federal government should be situated on the Isle of Man, which is not in any of the home countries but is equidistant from all four of them.
- The Irish Republic should be invited to unite with the North and rejoin the UK with Dublin taking its rightful place in the Anglosphere alongside Cardiff, Edinburgh, and London.

David Farrer, 'The federal question', *Freedom & Whisky* blogsite, 10th July 2003.

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*The SIF's Aim:
To Promote Responsible Individual Freedom*

The SIF believes...

- ✓ That the individual, rather than the State, is the primary source of morality and authority.
- ✓ That private citizens should have the freedom to act as they wish provided their actions do not harm others, and that the law should exist principally to guarantee such individual liberty and not to act as a paternalistic guardian; in the primacy of freely negotiated contract; and in Parliament as the supreme law-making body in the United Kingdom.
- ✓ That an efficient free-market economy benefits all, and that the State's economic function should mainly be limited to the prevention of violence and fraud and similar obstacles to honest competition and co-operation.
- ✓ That taxes in the United Kingdom are far too high and erode individual responsibility and enterprise; and that in a truly free society citizens, with the benefit of higher post-tax earnings, would be free to decide upon their own priorities, with usually temporary government assistance concentrated upon cases of unavoidable hardship.
- ✓ That justice shall be administered by courts that are not subject to political pressure; and that government decisions have no validity unless founded on clear legal authority.
- ✓ That to preserve the liberties of private individuals we need more independent-minded Members of Parliament, a stronger Second Chamber, and more effective parliamentary control over the executive.
- ✓ That there is too much influence on government from pressure groups that call for legislation of an unnecessary and restrictive nature, thus not only adding to the material burdens on individuals and corporate bodies but reducing one's capacity to learn personal responsibility, self-reliance, and voluntary co-operation.

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 always 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.

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.

Could You Write for *The Individual*?

We are always looking for contributions to *The Individual* corresponding with some aspect of the aims and beliefs of the SIF. These can range from referenced essays of an academic nature to personal opinions, experiences, and insights.

The subject might be almost anything that you can think of. It can be something of your own or in response to another's contribution in *The Individual* or elsewhere.

Length can range from a few hundred words to several thousand. Submissions should preferably be in electronic format, although this may not always be essential.

If you have never written for publication before, then don't worry. We are happy to give

advice and will never publish anything without the author's final approval.

As well as being published in hardcopy form, *The Individual* will also be uploaded onto the SIF's website.

We also welcome letters in response to articles printed in *The Individual* or other aspects of the SIF's activities.

If you think that you might be interested, then please contact us using the details on this page.

The Editor of *The Individual* and the Management Committee of the SIF reserve the right not to use any submission.