

Selected Articles from *The Individual* July 1999

Society for Individual Freedom

Since 2002, each new issue of the SIF's journal, *The Individual*, has been uploaded onto the SIF's website at www.individualist.org.uk as a PDF file. Before that, online availability was very limited.

To remedy this, we have reconstructed back-issues of the journal using only the core articles. We hope that you will find them of interest. Any comments should be directed to the current editor of *The Individual* at editor@individualist.org.uk.

Please note that views expressed herein are not necessarily those of the SIF but are printed as a contribution to debate.

Title	Page
<i>Elite Mischief</i> - Robert Henderson	2
<i>Freedom is in the Genes: A Scientific 'Update' of Objectivism?</i> - Paul Anderton	5
<i>The Government Needs Drugs!</i> - David Kirsch Carr	8
Review of John McLean's <i>Tyranny of the Law</i> - Paul Anderton	10

ELITE MISCHIEF

Robert Henderson

Introduction

The report of the Standards and Privileges Committee (henceforth "the Committee") on complaints laid against Peter Mandelson (now back in government as Northern Ireland Secretary) is best described as incongruous. Its content is damning yet the Committee, despite accepting that two of the three complaints had substance, treated Mandelson's serious misbehaviour as essentially trivial and concluded smugly "We recommend that no further action be taken".

The report is above all else a classic example of how an elite controls matters for its own advantage. In the space available it is impossible to cover the detail as fully as I would wish in this complex affair. That being so, rather than give a blow by blow account, I have written an impressionistic piece which is designed to give the reader a flavour of the dominant themes - in particular, the palpable desire of all those engaged in the investigation and judgement to mitigate Mandelson's misbehaviour by any means possible - while providing enough detail to allow the reader to understand the basics of the story.

Why is the report damning? It contains explanations and justifications from Mandelson so improbable that I would stake my life on the vast majority of human beings finding them literally incredible. Mandelson is also shown to be massively arrogant by the manner of his rejection of the complaints - he really cannot understand what all the fuss is about or why his private behaviour is under scrutiny. What if I did accept a massive loan secretly from a fellow member? What if that member did become my junior minister? What if I did obtain a mortgage as the result of a failure to disclose all the relevant facts to the lender? What business is it of the public? So says Peter Benjamin Mandelson.

Properly to understand the matter, it is necessary to ingest a paragraph or three of facts which would bore a chartered accountant. Sorry about that. First the main players in the business. Apart from Mandelson and the ex-trade minister Geoffrey Robinson, these are the Parliamentary Commissioner for Standards in Public Life (Elizabeth Filkin), the firm of solicitors appointed by the Britannia Building Society to report on Mandelson's mortgage application (Herbert Smith Solicitors), Mandelson's solicitor (Stephen Wegg-Prosser of Wegg-Prosser and Farmer - WPF) and Mandelson's personal aide (Ben Wegg-Prosser). Robert Sheldon was the Committee chairman. The two named complainants in the report were the Conservative MP, John Redwood, and myself.

The Committee acted on Mrs Filkin's submission after her investigation of the complaints. Mrs Filkin investigated three separate matters. The first concerned a failure to declare a flight taken by Mandelson at the expense Linda Wachner, chairwoman of a company (Warnaco Ltd) which had interests in the UK. The other complaints arose from Mandelson's failure to declare his loan from Geoffrey Robinson in the Regis-

ter of Members' Interests and irregularities in his application for a mortgage from the Britannia Building Society.

Mrs Filkin's Conclusions

The Warnaco complaint concerned a potential conflict of interest which arose from Mandelson's position as Trade Secretary. Mrs Filkin found the complaint unproven because she judged that the flight was "offered to him as a personal friend rather than in his capacity as a Member of Parliament". For reasons of space and the fact that the complaint involved benefits of only a few thousand pounds, I will not spend any further time on Mrs Filkin's dismissal of the complaint other than to reflect that politicians without great wealth are always suspect if they take favours from the rich and that the public's only guard against corruption in such circumstances is if the favours are public knowledge. The rules governing the Register of Members' Interests need amending to make the receipt of any large benefit notifiable, regardless of the nature of the giver.

Mrs Filkin found the other complaints proven. Of Mandelson's failure to declare the loan from Geoffrey Robinson on the Register of Member's interests, she decided that Mandelson should have registered the loan because of the possible conflict of interest when he became Trade and Industry Secretary. The interesting thing about this judgement is that Mrs Filkin decided that it would have been acceptable not to declare the loan if he had not become Trade and Industry Secretary and consequently was subject to the Ministerial Code of Conduct. It was this latter code which necessitated the registration of the loan on the Members' Register of Interests. This is a dangerous precedent.

The receipt or supply of large material benefits from one politician to another are self-evidently of public interest, for anything which can compromise their freedom of action is a matter of public interest. That applies as much to backbenchers as to ministers. Again, plainly the register rules need amending. But a declaration of interest is not enough for favours between MPs, because both the participants to such a transaction are directly involved in the political process, and therefore have the opportunity to illicitly manipulate matters from the inside, unlike interests and individuals outside Parliament. There needs to be a ban on substantial material favours between MPs. Of the third complaint concerning the Britannia Building Society mortgage Mrs Filkin said this: "The mortgage was obtained on a basis outside normal commercial practice. Mandelson's mortgage application was incomplete and inaccurate and therefore breached the Code of Conduct for Members of Parliament".

The objective facts of the Britannia mortgage Mandelson completed his purchase of the Notting Hill property in October 1996. At the time of the mortgage application for the Notting Hill property, Mandelson owned two properties: a

house in his constituency (henceforth Hutton) and a flat in Clerkenwell, London (henceforth Wilmington). He had mortgages on both. Thus his application for the Britannia mortgage was, at the least, the third time he had made a mortgage application.

The Britannia interviewer (Mr Michael McDermott) completed the application form for Mandelson who then signed it. Mr McDermott was the branch manager and thus a very experienced employee. He was thus unlikely to have made an error when completing the form.

When he made the mortgage application (30/8/96) Mandelson told the Britannia interviewer that the balance of the purchase price for the Notting Hill flat would be provided by his family. He also said that the purchase of the Notting Hill property would be simultaneous with the sale of his Wilmington flat.

Mandelson's mortgage application form unambiguously shows a failure to declare his Hutton mortgage and was thus false at the time he signed it. The application became further invalidated by two failures to keep the Britannia informed of changes in his circumstances, namely his acceptance of the Robinson loan and the failure to sell his Wilmington flat at the same time as he purchased the Notting Hill property.

Section D of the application form contains the questions "Do you have any hire purchase/loan agreements? (D1); "Have you any other outstanding commitments including maintenance payments (D.3) and "Do you propose to borrow any other money upon the security of the property to assist in the purchase of the property (D.5). Mandelson answered NO to all questions.

The declaration at the end of the form which was signed by Mandelson includes this statement: "I confirm that this form has been completed by myself or at my dictation and that the information given is true to the best of my knowledge and belief and all material information as explained above has been disclosed. I understand that if any answer has been written by any other person that person shall for that person be regarded as acting for me."

The Robinson Loan and Mrs Mandelson

Mandelson claims that when he signed the mortgage application on 30/8/96, he believed that his mother would give him as a gift the money he needed to bridge the gap between the proceeds of the Wilmington flat and Notting Hill. Amazingly, during his evidence to the Committee Mandelson admitted that he had not discussed the likely amount of the gift prior to committing himself to a mortgage. His mother's rapid refusal of help shows how nebulous this belief was, if it existed at all. Mandelson first discussed the Robinson loan in May 1996. It was not finalised until October 1996 after Mandelson's mother had refused to help Mandelson.

Mandelson's Explanations

Mr Mandelson shares a quality with Ronald Reagan, he is terribly forgetful. The report shows that he could not remember when he first discussed the loan with Geoffrey Robinson. He

could not remember whether he mentioned the Hutton mortgage during his interview with Mr McDermott. He could not remember what he had done during his previous mortgage applications. He could not even remember in 1999 (and this is my personal favourite) how much he sold his Wilmington flat for in 1997. Mandelson is also apparently seriously lacking in intellect and basic general knowledge. According to the evidence given to the Committee, he did not even understand the meaning of such difficult questions as "Do you propose to borrow any other money on the security of the property to assist in the purchase" because at the time of completing the mortgage application he "would not...have understood what 'security of the property meant" (1).

Translated into honest speak most of Mandelson's excuses and explanations amount to this: I, Peter Mandelson, a man deemed competent to sit in a British Cabinet, am so lacking in intellect and general knowledge that I cannot understand what every adult of normal intelligence in Britain is presumed by the law to understand, namely a mortgage application form, despite the fact that I had previous experience of obtaining mortgages.

Mandelson's other excuses rest on blaming people such as his solicitor (WPF) and pleading overwork. The latter is special pleading; the former deserves attention. WPF in the person of Stephen Wegg-Prosser undoubtedly had a duty to inform the Britannia of the Robinson loan and the failure to complete the sale of the Wilmington flat on time. The question is why he did not do so. Wegg-Prosser accepted that he was grossly at fault but blamed it on family problems. Should we believe him? In other words, was there a conspiracy between Mandelson and Wegg-Prosser to keep the fact of the Robinson loan from the Britannia? Consider these facts and judge for yourself.

Mandelson's Secrecy

For a man with nothing to hide, Mandelson was remarkably reticent about his loan from Robinson. He failed to notify Tony Blair, the DTI permanent secretary, the cabinet secretary and the parliamentary commissioner of the Robinson loan. He failed to register the loan in the Members Register of Interests. He used the solicitor father of his aide Ben Wegg-Prosser to draw up the legal agreement with Robinson. Such secrecy speaks of a desire to prevent not only the general public and his political opponents and colleagues from knowing the truth, but an intention also to prevent the Britannia Building Society from discovering the true state of affairs. The hardest of facts for Mandelson is that publicity for the loan would have revealed the illegality of the application. If any of the other people directly involved in the loan from Geoffrey Robinson knew of Mandelson's failure to declare the loan and/or his mortgage on the Hutton property, they would on the face of things be guilty of a criminal conspiracy to enable Mandelson to obtain a mortgage fraudulently.

Mandelson's desire to keep the matter secret and his apparent willingness to lie to do so is further seen in his reply to a question put by the Evening Standard in April 1997. The Standard reporter, Mark Honigsbaum, asked Mandelson to explain the difference between the amount of money borrowed to finance the purchase of the house registered on the Land Registry and

the purchase price of the Paddington house, i.e. the difference between the Britannia mortgage and the purchase price. Mandelson complained of an invasion of privacy (a rather rum do in a politician) to a more senior reporter, Alex Renton. However, he did tell Renton that the balance of the cost of his new house would be paid by the sale of his Clerkenwell flat and money from his mother (see folios 5/6). He failed to mention the fact that the purchase price had been met wholly by a loan from Robinson and the Britannia mortgage.

Behind the scenes

Although her findings were significant, Mrs Filkin studiously avoided the most serious and damaging issues which were posed by Mandelson's behaviour, namely the questions of criminality and the relationship between MPs, both of which I asked her to consider in relation to Mandelson and Robinson. I had a considerable correspondence with Mrs Filkin, yet after the publication of the report I discovered that the committee only saw the first letter I sent to Mrs Filkin. When I brought this to the attention of Robert Sheldon, the chairman of the committee, he refused to either reopen the investigation or show the additional letters to the Committee members. This is further evidence of the Committee's intention to produce a verdict favourable to Mandelson come what may.

The Code of Conduct

In 19 July 1995 by a resolution of the Commons a Code of Conduct for MPs was adopted. Rather like the 1936 Soviet Constitution, the code is a model of democratic principle, regulating public duty, personal conduct, objectivity, accountability, openness, honesty and leadership. My experience with Mrs Filkin and the committee suggest that it shares another quality with the 1936 Soviet Constitution: it is not worth the paper it is written on. I suggested to Mrs Filkin that Mandelson had breached these parts of the Code: Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

Personal Conduct

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal and the public interest and resolve any conflict between the two, at once, in favour of the public interest.

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never take any action which would bring the House of Commons, or its members generally, into disrepute.

In any activities with, or on behalf of, an organisation with which a member has a financial relationship which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be frank with Ministers, Members and officials.

Holders of public office should promote and support these principles [of the Code of Conduct] by leadership and example.

Mandelson has clearly breached these parts of the Code. Mrs

Filkin concluded that he had done so, but only by his behaviour in obtaining a mortgage. Incredibly, she judged that Mandelson's failure to register a loan eight times his salary did not breach the Code.

The Britannia Building Society

The failure of the Britannia to make a complaint to the police goes against their normal policy. The Daily Telegraph (26/12/98) ran this quote from a spokesman for the Britannia, Joanne Hine: "When fraud has been discovered in the past, then we have passed that to the police to deal with."

The Britannia commissioned the solicitors Herbert Smith to produce a report on the Mandelson affair. This report was codenamed Offenbach. It is worth noting that the Committee Chairman had to quietly threaten the Britannia with his powers to requisition documents before a copy of the Offenbach report was supplied to the Committee.

Was a crime committed?

In their report for the Britannia, the solicitors, Herbert Smith, considered the question of mortgage fraud which falls under Section 16 of the Theft Act 1968. This runs: "a person who by deception dishonestly obtains for himself or for another any pecuniary advantage is liable on conviction on indictment to imprisonment for a term not exceeding five years..." The report continued by stressing that for an offence to exist, it is not necessary for the person deceived to have suffered a loss. Peter Mandelson did profit from his irregular mortgage application because he obtained a mortgage unfairly. This allowed him to gain a further pecuniary advantage by acquiring a more expensive property, which enabled him to make a massive capital gain he would not otherwise have had the opportunity to make. Those facts would seem to fall within the Theft Act's provisions.

Herbert Smith claimed that the Britannia's money was never under threat from Mandelson's failure to disclose his financial circumstances. This is simply false. It is true that if Mandelson kept to the terms of his agreement with Geoffrey Robinson, i.e. did not put any further charge on the property, the building society would have been safe. But what if Mandelson did not keep to the terms of the agreement? Suppose, for example, that he ran into severe financial trouble and took further loans against the property which exceeded the value of the property? Such a scenario is plausible. Mandelson has shown himself to be, secretive, very reckless and spendthrift. The Commons report also shows how slender his means were in 1996 - he had to borrow money from his mother to tide him over the period when he had to pay not only the Notting Hill mortgage but also the mortgages on Hutton and Wilmington. A situation could have easily arisen whereby Mandelson had taken loans to the value of less than the value of the house at the time the loans were granted, but which exceeded the value of the property when the loans were called in. The most likely cause of such a situation would be a collapse in property values similar to that which occurred in the early nineties.

It is true that in such circumstances the Britannia might still be able to exercise first call on the property eventually. But they would at best have to go through a great deal of legal

aggravation to make good their claim. At worst, they might not be able to sustain a claim if other loans taken by Mandelson had been given on the same basis as that give by the Britannia.

I submitted a complaint to the Metropolitan Police asking them to investigate Mandelson for gaining a pecuniary advantage by the use of false statements and embezzlement and for possibly engaging in a conspiracy to obtain a pecuniary advantage and embezzlement. I received this reply from Chief Supt Paul Scotney: "After careful consideration of all the facts outlined in your two letters, I have decided not to commit police resources to investigate this matter."

Wonderful isn't it? Pure insolence of office. Police officers have an obligation to investigate where they have reasonable grounds for believing that a crime has been committed. Patently they did in this case because of irregularities in Mandelson's mortgage application. Failure to investigate amounts to a perversion of the course of justice.

Elite misbehaviour

What does all this show? It is classic elite behaviour in an ostensible democracy. A member of the elite has been caught publicly in circumstances which were too serious and outlandish for the elite to simply ignore. Thus a charade was performed whereby an "investigation" took place with a predetermined outcome, namely that no meaningful punishment would be meted out to the errant member of the elite regardless of the evidence offered. The purpose of the charade was to allow the elite to make a pretence that justice had been done. The Code of Conduct for MPs demonstrates beautifully the ease with which the elite can control things. The introduction of this code was a major constitutional change. Before then, there was precious little by way of formal restraints on members' behaviour beyond the election rules of the Representation of the People Act and the rather toothless register of interests. Most extraordinary was the fact that a member's behaviour towards his constituents was unrestrained by anything other than convention, which were mostly the product of the Commons of the eighteenth and early nineteenth centuries which developed conventions in keeping with the aristocratic flavour of its membership which took Burke's dictum that a member is not a delegate as its watchword.

Once the Code of Conduct was accepted by the Resolution of

24/6/96, in theory the game changed. MPs became obligated formally and the old conventions were superseded where the Code of Conduct impinged upon them. Yet for all the practical effect it had in the Mandelson case, it might as well not exist. As things stand, it is simply a propaganda tool for the ruling elite. Only the House of Commons can meaningfully enforce the Code. The Code gives the appearance of an attempt to maintain public probity but that is all it is, the appearance. Elites in an ostensible democracy have to make a public play of honest dealing with their members but it is just that, a play. The reality is that elites ensure that justice is not done by controlling the bodies which make judgements of members of the elite. The people who investigated and judged Mandelson were a committee which had a majority of members from Mandelson's own party and a public servant whose appointment depended on the very politicians she was due to judge. Just to add spice to this elite sauce, Elizabeth Filkin was a non-executive director of the Britannia until a few weeks before her appointment as Commissioner for Standards. Strangely, she did not feel that this disqualified her from investigating Mandelson. I asked to appear before the Committee. The request was refused. It also appears from the report that neither John Redwood nor Geoffrey Robinson interviewed by the Committee. All very cosy, all very elite controlled.

Throughout this affair every person involved in the investigation has behaved to benefit Mandelson and mitigate his offence. Elizabeth Filkin refused to investigate the most damaging charges against Mandelson, those of criminality and of being under the influence of Robinson because of the loan. She refused to investigate Robinson at all. The Britannia's solicitors, Herbert Smith, put the best possible gloss on everything Mandelson did or failed to do. The Committee concluded against all the evidence that Mandelson's misbehaviour was trivial.

This affair raises the vital questions of equality before the law and democratic control. Both have been negated comprehensively. The general public have been treated as impotent fools. We have not a democracy but an elective oligarchy, which is as effective at maintaining control as any formal aristocracy.

Footnotes

1 Minutes of Report para 51.

FREEDOM IS IN THE GENES: A SCIENTIFIC 'UPDATE' OF OBJECTIVISM?

Paul Anderton

In his article in the January 1999 edition of *The Individual*, Professor Younkens indicated that the bases of objectivism are that the only sources of information are the senses and that it was possible to deduce an 'ought' from an 'is' - that is essentially that morality could be established by observation with-

out some sort of mystical insight or 'intuition'.

The first proposition is essentially the basis of science and, I presume, would be accepted by libertarians. The second proposition depends on accepting 'reason' as an observation,

in the sense that logic is essentially the linguistic expression of the necessary relationships between features of the external (observable) world. That morality is so derived is implicitly accepted by anybody who justifies religiously derived moral rules on the grounds that they are 'common sense' anyway.

The notion of 'freedom' is traditionally very much intertwined with morality on the grounds that freedom is necessary for moral choices to be made, so that without freedom there can be no morality. Also rationality is necessary so that 'responsibility' in the sense of awareness of the consequences of actions can be assumed and therefore the intention to produce those consequences.

Historically, doubt about the senses as the only source of knowledge was probably the main obstacle to the acceptance of these principles. The alternative of mystical or religiously derived revelation of some sort is certainly still widely believed - if rarely explicitly stated. For the purposes of this article I will not consider this in detail, but concentrate on the apparent dissonance between some scientific developments and the traditional interpretation of freedom and morality.

The first doubts about the usual notion of freedom came from psychology, particularly psychoanalysis in various forms generally derived from Freudian ideas. The other major branch of scientific psychology was behaviourism, resulting from the experimental observations of Pavlov and Skinner on 'conditioning - apparently unconscious behaviour 'caused' by environmental stimuli. These are often identified as 'classical' and 'operant' conditioning, respectively.

As usual these ideas have been incorporated to some extent in popular culture, journalism, and politics - inevitably in a confused and incoherent manner. They are used, and interchanged indiscriminately in a lot of comment and advice ranging from 'counselling' to criminology.

The remarkable recent progress in biology in the form of gene theory and the discovery of many genes 'for' various characteristics and conditions including diseases and many forms of behaviour has led to the rapid development of evolutionary psychology - the idea that not only physical characteristics but psychological motivation is transmitted through genes as a result of natural selection. This is now the fashionable explanation for practically everything and is rapidly replacing childhood experience and social environment as the 'cause' of behaviour - desirable and undesirable.

My aim in this article is to suggest that the determinist argument is irrelevant to individual freedom and, moreover, that morality is largely independent of 'free will'. For obvious reasons it will not be possible in a limited space to undertake all desirable conceptual analyses and follow all philosophical hares that might be started - which is why I describe it as a 'suggestion'.

To start with consider the simple act of spinning a coin. It has two possible outcomes - heads or tails. We believe these are 'pure chance' or 'equally likely' *because* we believe it is controlled by purely mechanical rules or 'laws' - Newton's laws of motion. In other words such extraneous factors as the time of day, the state of the weather, which government is in power,

or the state of health of the coin spinning person, definitely do not have any effect on the result. Though the rules governing the behaviour of the spinning coins are known, the reason we don't know the result of any particular spin is because we deliberately arrange to be ignorant of essential information about the magnitude of the forces actually acting on the coin. But even though we do not know the result of any particular throw of the coin it is a straightforward matter to calculate the *likely* number of heads and tails in a number of throws. In other words the 'probability distribution' of results. For instance in a run of ten throws the most probable result is obviously 5 heads and five tails. But 6 of one and 4 of the other are only slightly less likely. [126 in 512 and 105 in 512 respectively]. The most unlikely result is all ten of one sort [1 in 1024 for all heads or all tails specifically, 1 in 512 for *either* all heads or all tails], but even this is not impossible. The situation with dice is more complicated because there are six possibilities with each instead of two but working out the probabilities of various outcomes for various numbers of dice throws is still straightforward in principle.

It is worth noting that however many probability distributions were observed there would be no way of deducing Newton's laws from them [still less of deducing Einstein's to which Newton's are an accurate approximation for this purpose]. The observed consistency in probability forecasts implies some underlying 'causation' but it does not follow that this underlying causation can be found from probability distribution information.

To return to psychology and behaviour, genes in particular. The fact that genes are chemical molecules implies that they are subject to the laws that control any chemical reaction. So it does follow that the characteristics - physical and behavioural - due to genes are determined just as the results of pouring acid on metal or detonating nitro-glycerine are determined.

The results of an individual's experience (learning) and the stimuli from the immediate environment also influence individual behaviour and it is quite legitimate to conclude that the interplay of inheritance, learning, and the environment determine the behaviour of any individual at any one time.

However this does not imply that conclusions drawn from using the concept of free will and choice are invalidated. In fact the necessity for freedom in the traditional sense is unshakeably confirmed.

This is because the fact that both the inheritance and learning experiences of an individual, and his or her immediate environment for that matter, are unique to every individual. Consequently it is not possible to find universal solutions which 'ought' to suit everybody and which only the wilfully perverse will ignore. The problem for each individual is to maximise his or her benefits and satisfactions, given the desires and abilities he (or she) happens to have acquired, and taking account of his or her available opportunities.

Before jumping to any conclusions note that this does *not* imply that the existence of desires or ambitions justifies their indulgence irrespectively of any other considerations. Everybody will have acquired a hotchpotch of beliefs and desires

from various sources and influences and might well have a problem with 'making sense' of them. Some are almost certainly contradictory in the sense that they can't be satisfied together in practice, even if they are supposed to be in theory (e.g. reconciling warfare with the 'sanctity of human life').

But even if it is confusing to the individual it is still much more likely that he or she can grasp and appreciate any 'problems' arising from his or her individual experiences much better than anybody else can.

The reason that the mere existence of desires including genuine instincts does not automatically justify their 'expression' is simply that their indulgence might well conflict with the equally valid indulgence of somebody else's desires and 'instincts'. There is no way of prioritising one person's desires compared with another's *on their existence alone*. The only possibility of selecting some ambitions for 'legitimising' are external criteria in the sense of these criteria being independent of individual opinions.

This is where 'reason' comes in. Traditionally considered a specific human characteristic, its use among human beings cannot be taken for granted. In fact the emphasis on it by Ayn Rand is very necessary because most intrusions on freedom, and tyrannical regimes depend on its absence or positive misuse.

In this context 'reason' must cover more than formal logic, it must also include some element of judgement and assessment of risk - both the risk of being wrong and the risk of missing out on being right.

The assertion that reason is a 'natural' human characteristic is certainly incorrect - reasoning, and particularly the practical application of its results, has to be learned. What evidently does come naturally are non-reasonable ways of reaching conclusions and the most significant of these are worth noting.

First there is what might be called the 'Charisma & Wish Fulfilment' effect. This is fundamentally the use of some apparently successful or important person to project an idea or course of action on the grounds that if this person endorses it then it must be 'right'. The most deadly situation is where some individual apparently has the power to supply something that everybody wants and is promising to do just that, given the chance. The promise must broadly be some sort of 'happiness' of course, but in practice this has to be fairly simple and specific. Usually this effect depends on some personality often described as 'charismatic' and is derived from a power situation of some sort, either political or other high-profile position such as military commander or revolutionary. Such people appear to be able to carry out attractive promises of easy prosperity or the conquest of (usually invented) feared enemies. The most recent large-scale examples are, of course, Hitler and Stalin, and nobody with any commitment to rationality can watch films of the crowds adulating either of these with anything but sadness at the gullibility of so many people. The rational approach to any idea, particularly instantly attractive ones, should be immediately to think of all possible objections to it, both logical and practical, and only if it survives this test should it be taken seriously - and then only provisionally in case new information requires its reassessment.

Another natural but very misleading 'thought' process can be called the 'impulse to opposites'. This is often employed by political propagandists who rely on it for support by discrediting their political opponents in the hope that the population will try the alternative. It could be, of course, that no real solution of some supposed problem is on offer or that no political solution is possible anyway.

An increasingly popular deception can be called the 'false cause trick'. This is usually presented as the observation that two phenomena are 'linked' - and the observation assumed to 'prove' that one causes the other. This may or may not be a legitimate conclusion but there are actually four possibilities all of which should be considered before accepting what might at first seem the 'obvious' conclusion. The 'linkage' might be purely coincidental; the cause, if any, might be in either direction; or both observations might have a common origin or 'cause' - which is entirely neglected.

These elementary rules of reason are applied most systematically in proper scientific investigation and theorising; but even in science history shows that it was quite a struggle to get rational ideas accepted in some areas - particularly those where indefensible ideas were deep-rooted in popular myths. (E.g. the heliocentric model of the solar system and evolution).

In summary, the modern scientific ideas about the causes of individual behaviour support rather than endanger the libertarian principle that individuals are the best judge of their own decisions about what is 'good' for them. The control of actions which are not acceptable can only be derived from the application of 'reason'. Morality is essentially the acceptance of reason even when its conclusions are inconvenient. As this is unlikely to be applied in practice by the vast majority of people some coercive 'encouragement' is necessary and legitimate. This is the ultimate justification of sanctions in the form of punishment of 'unacceptable' behaviour.

In this interpretation the traditional use of the concept of 'responsibility' *in the sense of uncaused or 'free' decisions* is particularly inappropriate. The discovery of more and more actual and apparently demonstrable 'causes' of behaviour can be, and in a great many cases actually is, used to limit the area of individual responsibility into smaller and smaller regions of behaviour. In fact increased knowledge of causes of behaviour should enable individuals to consider a wider range of influences on their own desires and motivation, so enabling them to devise ways of satisfying them which do not intrude on other individuals' corresponding efforts.

Unfortunately its actual use in a lot of theorising and practical proposals - often described as 'politically correct' or 'left-wing' - has been to imply that freedom is either illusory or actually harmful. Apart from removing the apparent justification for punishments, there is the much more important implication that as there is no such thing as literally 'free will' (in the sense of uncaused behaviour) then it doesn't really matter if actual choices are curtailed for some reason or other. This proposed curtailment is usually on the grounds of supposed 'public good' or the actual benefit of individuals whose choices are curtailed. The usual excuses here are generally on the lines of preserving public order, safety in some form or other, and, of course, 'health' - the modern version of good-

ness and virtue.

These misuses of determinism usually have one feature in common - if accepted they increase the influence and salaries

(usually at taxpayers' expense) of the people who push them. But the above considerations show that they are - in the only meaningful sense of the term - immoral.

THE GOVERNMENT NEEDS DRUGS!

David Kirsch Carr

'Here, here', is the cry that may go up from certain quarters upon reading the above title. But, whilst you may feel that the only thing that will iron out Jack Straw's wrinkles or Peter Mandelson's pathology of control, is a strong dose of narcotics, that is not, in fact, the point of the title.

Nor am I about to suggest that Gordon Brown lights up a joint before tackling the vexed question of fiscal policy in the next Finance Bill or that Jacques Delors smokes a bowl of crack before embarking on a hard day's pointless legislation. It may be satisfying, comical even, to fantasise about the possibilities of such hypocrisy but I don't actually believe they are the case.

No, I am talking about what is, in fact, self-evident to those supporting legalisation or relaxation of the current legal position: that the debate about drugs is heavily tainted with misinformation, hysteria, moral panic and, worst of all, official obfuscation.

I personally believe that the prohibition of many so called 'dangerous drugs' can no longer be justified on either medical or moral grounds and I also believe that any rational examination of the issue will result in the same conclusion.

But a 'rational' examination is not what we get or what we are allowed to have. I won't, here, cite all the numerous examples of press and official slanting of the issues because the list would simply be too long. But the question I do want to ask is, why doesn't the Government (not just ours but anyone's) take the rational view required? After all, isn't that their job? Isn't the purpose of a State structure to deal with problems in a fair, even-handed way uncomplicated by clutter and the clamour of hysterical voices? Aren't they supposed to do what's in the best interests of their people to do?

I think we all realise that the answer to all those questions is 'no', 'non', 'nein', 'niet' and 'get outta here'. But, more than that, when it comes to the drugs issue, governments, it seems, not only fail to grasp the reality but positively work to suppress it.

One needs no better example (nay, proof) of this than the US Congress blocking the results of an election held on 3rd November in Washington D.C. on the legalisation of cannabis for medical use. According to private exit polls, 69% of voters approved the initiative prompting Congress to immediately pass an amendment to quash the referendum. Isn't that the kind of dictatorship for which they bombed the living day-lights out of Iraq?

In case you may think this is confined to the USA, I ask you to imagine any government here (whether Labour or Tory) allowing any such similar referendum. No, I can't see it happening either.

Why? Why is it that this issue is so dangerous to governments that, not only must they refuse to examine any facts on the issue, they must also quash any democratic debate on the issue as well? What are they so, seemingly, scared of?

As part of my answer, I refer to the film 'JFK' (2). In what I feel is the best scene of the movie, Donald Sutherland gives Kevin Costner the low-down as they stroll around a park in Washington. During this scene, Sutherland (playing a retired Army Officer) delivers what I consider to be the best line in any movie: "The organising principle of any society is for war. The authority of the state over its people resides in its war powers". Never have truer words been uttered on celluloid and I think they go a long way to explaining every government's secret agenda on the drugs issue.

Since the inception of the nation state, wars have been its *raison d'être*. If any society is in conflict with something or someone else then they need to be organised in a joint effort to do so. This requires leadership; leadership requires structures around it to help it administer the populace and industry; the whole shebang needs to be funded; and the police keep everyone in line. That, in a nutshell, is how the nation state works.

For Britain, this has meant a succession of dragons to be slain and for the past 200 years or so, we've had them: the Spaniards, the Dutch, the French, various colonisation, the Prussians, more colonisations, the Boers; the Germans: a few more colonisations; the Germans and the Japanese and then, finally, the Soviets (with an odd assortment of Irish nationalists, Palestinian Jews and Argentineans chucked in for good measure).

But now we reach the end of the line. The Soviets Union has collapsed under the weight of its own top-heavy structure and split into the sum of its parts, none of which is big enough or rich enough to pose any threat on its own.

All to the good, you might think. And you'd be right. But, hang on, the structures that have existed to fight these continuous wars are not only still in place but, by now, firmly embedded in our culture. We have, not just a government structure, but, a civil service, police, armed forces, committees, quangos, regional development boards etc, etc. A lot of peo-

ple and a lot of jobs and a hell of a lot of vested interest to maintain.

Without an ongoing war, we might just begin to realise that we don't need all this baggage and, worse still, that we might not want to go on funding it. What's to be done? The answer: manipulate/invent a new enemy to fight. Hence, we have the war on drugs! Perfect. In drugs lies the worse kind of enemy; it's difficult to identify; has no redeeming qualities; it isn't human beings; it tries to take over our society and poison our young. Now, if those aren't the perfect ingredients for a war, then I don't know what would be.

And, just like an enemy state, the war is maintained by propaganda that is disseminated so effectively as to have the unwitting public scared out of their wits. Scared enough to tolerate any amount of abuse of civil rights and ready to cough up vast sums of tax money in the process. After all, we all want to protect our children, don't we? And wouldn't we be more than content to pay those who stand as guardians against the evil foreign invader?

Put this way, it doesn't take a rocket scientist to work out that governments need drugs to remain illegal for, if they are decriminalised, what will they have left to fight? I, for one, do not believe that this huge effort at suppression exists solely because they are concerned for our health and welfare.

I do, however, believe that the state has to keep inventing new and effective ways to keep milking the cash cow known as the taxpayer. But it also has to use its imaginary enemy to make sure that the taxpayer doesn't get any bright ideas about slipping through the net.

Hence the last Conservative government's imposition of new laws turning banks and building societies into policemen having to report anyone attempting to deal in any cash sums larger than £3000. The justification for such nonsense (and the sop to the voters) is that it is designed to stop 'drug dealers' whereas freethinkers realise that it is, in fact, to ensure that no-one dodges their taxes. Cash is the accepted method of dealing in drugs but it also ensures anonymity. No wonder governments like the idea of a 'cashless society'.

And now we come to the latest twist in the tail: the Internet. See, the Internet scares the pants off of governments for, not only does it represent the free flow of ideas and images (always a major threat to authority) but there is an even greater danger that some boffin is going to perfect 'digicash' thus rendering possible financial transactions over the web that would, properly encoded, be virtually untraceable. If that doesn't keep Tony Blair awake at night, nothing will.

Whilst appreciating this, and basking in its glory, it still came as a shock when I saw an item on a recent issue of Channel 4 News (3). It seems that someone or other in the Austrian government has put forward a proposal for a Europe-wide police power to tap the Internet in real time. According to the report, Jack Straw is taking it seriously (now there's a surprise) and there has also been a recent, secret meeting in Brussels to discuss the proposal and others like it. The net has definitely got them worried.

As per usual, a talking head was on the show justifying this move and, yes, you guessed it, he said these powers were needed to combat 'drugs dealers and terrorists' (I believe the 'talking head' was an ex-Chief Constable) thereby proving that this cloak of respectability has yet to wear thin with the public and providing these thieves with the moral authority necessary to invade everyone's privacy and severely curtail civil liberties. I was shocked. Shocked, but not surprised. After all, there's a war on, you know.

I don't know whether or not these proposals will ever be put into effect or not but simply by their existence they pose a number of interesting questions to free-thinkers everywhere.

- Does it give a clear indication as to the ethos of the European Super State we are being smuggled into?
- Does the fact that this information only came out because it was leaked by a German magazine give rise to serious doubts over principles of democracy, accountability and alleged 'transparency' of government?
- Are they already, possibly, tapping the Internet and mobile phone calls without our knowledge?

Actually, there are many other disturbing questions which arise but I have taken some comfort from a friend of mine who is a bit of a technical buff and who assures me that if anyone tries to tap the net, it is almost impossible to discern the type of information being transmitted and nearly impossible to ascertain the original source of transmission.

If he is right (and I pray that he is) then it's just possible that governments as we have known them, might be dealt a mortal blow by the Internet and, even if this is not the case, then, sooner or later, some saner voices (and I'm sure they exist) within governments will have to ask how long the 'wars' against their own people can be continued.

Footnotes

1 See 'TANSTAAFL TIMES' issue 2nd December 1998.

2 Warner Bros. 1992.

3 Friday 4th December 1998, Channel 4. I don't know whether or not a transcript is available.

REVIEW OF JOHN McLEAN'S *TYRANNY OF THE LAW*

Paul Anderton

This a book everybody should read. It chronicles and exposes the 'stealth' increase in regulations and other social control methods introduced by government over the last twenty years or so.

Most of these intrusions are so ostensibly minor that hardly anybody pays much attention to each one.

Also it is obvious that quite a large proportion are also helpful to 'taxation by stealth'. 'Nothing to do with me' is probably the typical reaction to any one example of this legal tyranny. Written by a lawyer it is very readable as well as being strikingly informative.
