SOCIETY FOR INDIVIDUAL FREEDOM

The Individual

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GOODBYES AND HELLOS

I find myself again having to appeal to the forbearance of SIF members and supporters for the tardy appearance of this issue of *The Individual*.

I start with more sad news. As readers may recall, last year we lost our president, Lord Monson. Sadly, during this summer, we lost one of our vice-presidents and most loyal officers, Dr Barry Bracewell-Milnes. As well as his work for the SIF, Dr Bracewell-Milnes was an author and a frequent contributor to organisations such as the Adam Smith Institute, the Institute of Economic Affairs, the Libertarian Alliance and the Institute of Directors. Our thoughts are with his family and friends. Much longer obituaries can be found on the websites of the Adam Smith Institute and the *Daily Telegraph*.

The wider freedom movement also lost another champion in David Webb. Mr Webb was an actor, a speaker at an SIF public talk and an ardent opponent of censorship who fought a long battle against the government. On behalf of the SIF and the Libertarian Alliance, I attended his funeral at Mortlake, London, which was held in July.

I do not know for sure what Dr Bracewell-Milnes' views on civil liberties and moral issues were (although he was a devout Anglican) nor do I know what Mr Webb's views on economic issues were. However, between them, these two gentlemen represented the two main battlefronts in the fight for individual freedom.

It does seem that fate has been conspiring against us. Other SIF officers have also had personal tragedies and traumas to cope with and there has been a sense that it took some time for some of us to "come up for air".

* * *

Still, we have not been wholly idle. As can be seen from the pages inside, our two chairmen, Professor David Myddelton and Michael Plumbe, although writ-

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

Inside this issue:

THOUGHTS ON FREEDOM AND EDUCATION

Dr Jeremy Dunning-Davies

Liberties taken for granted

Recently, various events have made me refer back to the basic beliefs of the Society for Individual Freedom as laid out on the web page and as last reformulated and approved on 27th October, 2004. They make interesting reading and should possibly be food for thought for many in our present day society. This latter point would be intended to include all our professional politicians, particularly our Members of Parliament, for the list embodies so much that is central to what many of us believe the real Britain to be. It is quite possible, indeed probable, that these beliefs, and others in the complete list, have been taken for granted by such as myself throughout our lives and are surely one of the reasons people fought, and died, in World War II.

It is undoubtedly the case, of course, that people born immediately before, during, or immediately after that war were brought up understanding such beliefs were part of the basic structure of Great Britain. It was taken for granted that, for example, 'a man's home was his castle', that true justice prevailed and British justice was the best in the world, that people could speak freely without having to pick and choose the words they used with meticulous care. At the same time, respect for others was taken to be almost the norm. Of course, the situation was certainly not perfect; there were occasions when some would not feel their homes acting like castles; there were miscarriages of justice. However, there is little doubt that people did feel more free and less oppressed by the State and its tentacles than they do today and people did not feel threatened by the supposed 'civil rights' of others taking clear precedence over the freedoms that had for so long been an accepted part of the British way of life.

The march of technology

It would appear that at least part of the problem may be due to the tremendous advances we have witnessed in technology, possibly most importantly the advances in communications technology for it is these which have caused many individuals trouble in recent years. The rise of the use of Facebook and Twitter has also seen a rise in major problems for people. One reason is that, particularly with Facebook, many have felt their comments to be passing between friends and trusted colleagues securely when, quite frequently, this has not been the case and what were meant to be private comments have been leaked to both the media and the authorities. This has resulted in, for example, some teachers losing their jobs for injudicious comments posted on Facebook – the sort of comments regularly voiced in school staffrooms – which have then been found by people with personal agendas to fulfil.

Similar things have occurred with Twitter. The most recent involves an England cricketer voicing a query on Twitter and being punished for so doing by the England and Wales Cricket Board (ECB). If one believes the media reports, the posted remarks were deemed 'prejudicial to ECB interests and a breach of the England conditions of employment'. One wonders how far this sort of behaviour by a ruling body will eventually go if some curbs on their activities relating to personal freedom are not introduced. The trouble is that most of us have taken such freedoms for granted for our entire lives and many are not aware how these freedoms, taken by many as basic to Britain and its way of life, are slowly and possible irrevocably being eroded.

The decline of education

An area where freedom of choice for the individual has been severely eroded over a long period of time is education and the country is now reaping the unwelcome benefits of this long-term desecration of what was once a system that was, justifiably, the envy of the world.

The issue is now in the news once again with supposedly concerned individuals anguishing over the poor educational achievements of those in the so-called disadvantaged sections of our society, although precisely which sections these are, and who exactly is in them and why, is rarely if ever defined. However, whatever their shortcomings and the problems of the examination which determined pupils future path on leaving primary school, the old grammar schools certainly allowed some to make the transition from a truly disadvantaged background to a spell at a good university followed by a worthwhile career.

Much has been made of the failures of this system and usually this has been for purely political reasons but little has been said in favour of the old system. Nowadays, the argument always seems to focus on the 11+ but, in truth, one should go back to the earlier scholarship examination which people of my generation sat. This examination did not involve numerous short questions but rather revolved around four separate papers. In the morning, one sat a mental arithmetic paper which was followed by a short break before one tackled the written arithmetic paper which consisted of twelve questions of increasing difficulty, starting with several straightforward purely arithmetical questions followed by more and more compli-

cated problems. Lunch was then followed by the English tests. First, an essay paper where the pupil was given a list of titles (roughly six) and simply had to write an essay – no hints, just a title! This was followed by the final paper which was an English grammar paper containing a comprehension and several other questions.

This was a real examination and, although I'm sure that some who passed did not take full advantage of the opportunity offered to them and some who failed would have profited more from the place, the system did allow many an opportunity they would not have enjoyed otherwise. A very good example in this latter category is surely provided by the Welsh playwright, author and schoolmaster, Gwyn Thomas.

Gwyn Thomas recounted his experiences in the autobiographical book *A Few Selected Exits* (1968). In this book, the author says little about some aspects of his life but does detail his childhood and schooling in the Rhondda Valley, goes on to discuss his love-hate relationship with Oxford, and briefly mentions his career as a schoolmaster before dealing more fully with his experiences on television and in the theatre. The point is, though, to query how many from backgrounds such as his would reach Oxford or Cambridge these days and, even if they did, how would they prosper? Of course, there will always be the exceptions who will achieve seemingly unattainable goals regardless, but those are not the ones with whom we should be concerned. Rather, all should be concerned that the educational system allows all to reach their true potential. I acknowledge that these are fine words and no system will ever be one hundred per cent successful but today the system is failing far more than it should. This has resulted not in sensible ways to improve the system – ways such as those suggested by Professor Alice Coleman in a previous issue of *The Individual* (February 2011) – but rather in adherence to the system which has failed our country for so long, although with minor changes mooted. Professor Coleman suggested changes to benefit all but, unfortunately, she was suggesting wholesale changes which would affect the educational system beneficially but might disturb the cosy peace of those who have destroyed a once good system and who now occupy positions of power and authority in their newly created educational hell.

It is not surprising that no-one appears to have taken up her suggestions. Instead we are treated to the perpetual moans of politically motivated individuals about the unfairness of our university entrance system. This coupled, as usual, with the claims of Oxford and Cambridge elitism and calls for those institutions and other top universities to accept more students from disadvantaged backgrounds. Now, however, these moans are accompanied by veiled threats concerning future finance if these so-called élite establishments fail to comply. One might wonder, quite reasonably, if this attitude is either fair or beneficial to the country as a whole. Incidentally, one might also wonder exactly what is so wrong about elitism in this context.

Changing attitudes

To many, there can be little doubt that places in our best institutions should be filled by those most able and likely to benefit most from what they have to offer. If higher education is to benefit both the recipients and the country truly, it cannot ever be used to facilitate politically motivated social engineering. If people from these so-called disadvantaged backgrounds are to have their lot improved, it must surely be through improving the earlier years of education and the anti-educational attitudes prevalent within those backgrounds. As mentioned already, Professor Alice Coleman provided a carefully thought out solution to the first of these problems and one which should be adopted as soon as possible.

As for the second, I fear the solution lies in a more long-term strategy. This is, in my view, best illustrated with an actual example. Some years ago, a student from such a background as those envisaged here embarked on a four year physics degree. In the first two years he did extremely well and was particularly good at the more mathematical aspects of the course. In the third year he slipped up a little but was still in line to gain a first class degree overall as, in the final year, he could concentrate on the more theoretical topics and produce a theoretical dissertation as well. However, after one term of this final year, in which he did not perform as well as previously expected, he dropped out. He was eventually, after much wasted effort, contacted by his department and persuaded to come back the following year after Christmas to complete his degree. He came back but, after a few weeks, disappeared again. Hence, after all the effort, he ended up with nothing; no degree because he hadn't fulfilled the regulations. It emerged that the reason for dropping out was that his family forced him to leave to get a job! They didn't seem to realise that, after a little more study, a physics degree would have allowed him to find an infinitely better and financially more productive job than any he would obtain without that qualification.

How do you persuade families from backgrounds like this of the value of qualifications? Years ago, in the days of Gwyn Thomas, the value of educational qualifications was well recognised in the pits of the Rhondda Valley where miners urged their children to work hard at school to gain worthwhile qualifications so as not to have to follow their parents down the pit. That attitude, so prevalent so few years ago, seems in very short supply these days when so many families, at least in some parts of the country, have no regard for education and, indeed, go so far as to feel even reading a complete waste of time. Changing basic attitudes is always extremely difficult and I venture to suggest that there is no quick

solution to the problem but, until this attitude is altered, forcing our top academic institutions to accept more pupils purely because they come from these ill-defined disadvantaged backgrounds will do no good for the pupils concerned and will almost certainly cause damage for our country as a whole.

One does wonder if those who are perpetually attacking our premier institutions really know about what they are talking. They always seem to imply that these institutions consistently ignore state school pupils and accept public school pupils of lesser ability.

This, of course, is not an easy implication to disprove and is one which so many love to believe, irrespective of whether or not it is true. However, the allegation is certainly not true generally. A young lady of my acquaintance attended a Cambridge college and, while there, was asked if she would be willing to talk at local schools in our immediate area about applying to that particular college. The idea was that she would explain, from personal experience, the actual procedure of applying and, if required, attending for an interview. Obviously she would have been required to answer questions also. She agreed, but not a single school in our area, including her own as a matter of fact, took up the offer.

I don't know if schools were contacted individually or whether the initial contact was between the college and the local authorities concerned but, as I say, in the event not one school accepted the offer. Therefore, can the college concerned be condemned for not accepting more students from state schools in the area of the country concerned? If some uninformed public utterances by politicians are to be believed, it would seem the answer is most unfairly in the affirmative. Given all the unfounded criticism of our Oxford and Cambridge colleges, it is difficult to see what more the young lady's college, at least, could have done to try to encourage a wider range of applications from our area of the country.

Incidentally, I am led to believe that the college concerned is not alone in following this procedure in attempting to widen their pool of prospective students. Certainly, critics should become more aware of the facts before launching attacks on some of our better higher academic institutions and threatening to curtail their finances if they don't take in more of these supposedly disadvantaged students. Although this threat is aimed at an institution rather than an individual, it is one infringing the freedom of that institution but also, indirectly, that of individuals as well.

Freedoms lost

Freedom may be infringed in many ways, some direct, some indirect. Attacking the freedom of any institution, may reasonably be seen as an indirect infringement of the freedom of individuals since any such action irrevocably changes the individual's perception of that institution and even his right to membership or use of that institution. Such an infringement is yet another curtailing of freedom within our country and is helping in the violation of several of the basic beliefs of this society. In far too many instances, violation of these fundamental beliefs is all too evident. The examples from education referred to indicate an imposition of the power of the State with little regard for the freedom of the individual which has been an assumed part of life in this country for so long.

It is to be hoped that we are not on the path to state dominance which appears to be the aim of some in positions of power in the USA at present. Much US news is not reported over here but the latest outrage there of which I am aware should make us all wary of possible future intrusions into freedom, both personal and corporate, over here.

Recently, a letter from the American Department of Justice caused the University of Arkansas at Fort Smith to reverse its policy and allow a 38-year old anatomically-male "transgender" student permanent use of women's restrooms on campus despite strong opposition from female students. The university had offered the student unisex facilities, but apparently that wasn't good enough. The student contacted the Department of Justice's Civil Rights Division and at that point, Eric Holder's Department of Justice stepped in and, according to the university's Vice-President claimed that "In the eyes of the law, this individual is entitled to use the bathroom that she identifies with". Apparently, the Department of Justice then threatened the University with a lawsuit if it did not comply with its assessment after the student's complaint was filed. In my view, it is to be hoped that such action is not a foretaste of what could occur in this country in the not-too-distant future.

However, in the immediate future, there is little doubt each of us must be on our guard at possible further infringements of our freedom of speech. The present situation is untenable. Whatever one's beliefs may be, the second and third beliefs listed for the Society 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 individual liberty and not to act as a paternalistic guardian, must be upheld and must not only apply but, in some ways more importantly, be seen to apply to all. Of course, the words 'do not harm others' must be interpreted logically and rationally and must apply evenly and equally to all members of the community. At the moment, these words are used both here and in the USA to favour particular groups. This is, I am certain, not what was, or is, intended. The apparent harm has to be very clearly defined and can never be defined to be that which an individual complainant personally perceives to be harm in a particular instance.

Again, one must point out that our judiciary has not always adhered to the second principle cited above and this is one of the major reasons why I suggested in an earlier article in *The Individual* (February 2011) that, while our judiciary should remain independent in the sense of being independent of party politics, it must be answerable to someone or, preferably, some body. It is, in my view, most unfortunate that this suggestion is provoked purely by actions of the judiciary itself. The current fight for freedom of speech, being spearheaded by several disparate bodies with the support of the Rt Hon. David Davis MP, is possibly one of the most important campaigns of recent times. If it fails, it will possibly lead to the authorities attempting to erode our freedom even further, as seems to be being attempted in the USA. Such action would undoubtedly place many, if not all, of the aims of the Society for Individual Freedom in jeopardy; it could, indeed, herald the end of the Society and, if that happened, it would be a precursor to the end of the Great Britain we all know and love!

About the author

Dr Jeremy Dunning-Davies was born in 1941 in Glamorgan, the son of a primary school headmaster. His mother and wife were also teachers before their respective marriages and this teaching background has given Jeremy an abiding interest in education at all levels. He was appointed to the Applied Mathematics Department of Hull University in 1966, becoming a senior lecturer in 1981. In 2002, he transferred to the Physics Department at Hull.

Works include: *Mathematical Methods for Mathematicians, Physical Scientists and Engineers* (Ellis Horwood, 1982); *Concise Thermodynamics* (Albion Publishing, 1996, 2007); *Exploding a Myth* (Horwood Publishing, 2007); and about 150 articles mainly on thermodynamics and its applications, particularly in astrophysics, but also including articles that have appeared in previous issues of *The Individual.*

Politics-free jobs

Michael Plumbe, the Chairman of the SIF's Executive Committee, had this letter published (30th June 2012, p. 27) in *The Times*…

Sir, You report on the selection of top judges that the Bar Council agrees that "To maintain the independence of the judiciary, changes which could have the effect of politicising the appointments process should be resisted" ('Ministers under attack over role in selecting top judges', Law, June 28).

Local political parties are now racing to select candidates for election to top police jobs. This surely means that the foul taint of politics will soon pervade and pervert the force. The scheme should similarly be resisted or preferably stopped.

Michael Plumbe, Hastings, East Sussex.

THE OATHS AND VOWS THAT BIND OUR SOCIETY TOGETHER

David J. Webb

The purpose of oaths

The penchant for discussion of the Queen's Coronation Oath on conservative websites, and also the habit of the 'Freemen on the Land' of asking to see judicial oaths of office, has recently reminded me of the Christian basis of our Anglo-Saxon civilisation. Our constitution is held together by a series of oaths, oaths that mean something to people because they are solemn vows in the sight of God and before the people of this country to perform various duties. I am not sure how seriously an oath can be regarded in the days when religion is scoffed at. It may be that conservatives could still favour the retention of unshakeable, unshirkable and unretractable vows, regardless of any views on the existence of a Supreme Being, seeing such oaths as a foundation stone of our civilisation. Nevertheless, it is clear that most people who make oaths today are not expecting to have to fulfil them and break them with impunity. Is it any wonder that the fabric of our society has become less secure?

Anglo-Saxon society and Oaths

The prohibition of oath-breaking was an important principle in early Anglo-Saxon law, which is the ultimate foundation of English Common Law to this day. The importance given to oaths, and their ritual, religious basis, is shown in the prehistory of the word "oath", which can be traced back to proto-Germanic and even proto-Indo-European forms:

> *The reconstructed lexicon of the prehistoric language called Proto-Indo-European provides the linguist with a limited window on Indo-European concepts of law. From the Proto-Indo-European judicial lexicon Proto-Germanic preserved some interesting words. The one which concerns us in this essay is the word* *aiþaz*, *the ancestor of modern English* oath *and the verb which is connected to this noun, namely* *swaranaⁿ. *The Proto-Germanic form* *aiþaz *has cognates in Old Irish* oeth, *Greek* ὅρκος *and Tocharian B* aittaṅka *but it only has the lexical specialisation "oath" in the western languages, e.g. Germanic and Celtic. In the early twentieth century scholars assumed that the Germanic word was loaned from Celtic, because they thought that the Celts had a higher level of civilization than the Germanic peoples in the early northern European iron age. Nowadays it is acknowledged that both the Celtic and the Germanic word can go back to Proto-Indo-European and there is no need to assume borrowing from one language into the other.*
>
> *The mentioned cognates ultimately go back to Proto-Indo-European* *h₁óitos *which is derived from the root "to go"* *h₁ei *(cfr. Latin* ire *and Greek* εἶμι *and Gothic* iddja*), which points to a meaning "a ritual walking". Cultural attestations of Indo-European oath-taking by walking between slaughtered animals perhaps colour the etymology somewhat more and [are] reasonably plausible because of the Old Swedish attestation* ed-gång *meaning "oath-walking". The earliest Germanic attestation is Gothic* aiþs *(glossing Greek* ὅρκος*) from Wulfila's fourth-century Bible translation.*
>
> *... An other interesting cognate to Gothic* aiþs *is Gothic* aiþei *"mother" (glossing Greek* μήτηρ*) which is also found in Old High German* fōtar-eidi *"nurse", Old Icelandic* eiða *"morther" and Middle High German* eide *"mother". This would mean that this word for mother literally meant "the one with the oath" which probably distinguished the lawful wife from the concubines.*
>
> *... In the Beowulf epic the combination "to swear an oath" is also used, suggesting that the word was part of the poetic register of the Anglo-Saxons [an extended citation from Beowulf is then given, including* hē mē āþas swōr*, "he swore oaths to me", in line 473]… In the Beowulf also the nouns* āðsweord *"oath-sword" and* āðumsweoras *"father-in-law and son-in-law" are attested. The first probably refers to the swearing of oaths on weapons, a custom we know was combated in Francia by the church. The second compound, like Gothic* aiþei*, also refers to oath-taking that accompanied the marriage-bonds between kinship groups. Apparently the bond and the obligations to abandon feuding that a marriage brought along for two kinship groups had to be confirmed by oath-taking. In Old High German another term is found,* eidum *meaning "son in law".*[1]

That oaths were culturally important in both early Germanic and Celtic societies makes them fundamental to Anglo-Saxon society (a superficially Germanic society with a Celtic ethnic substratum), a fact later reflected in English law. King Alfred played a crucial role in formalising laws on oath-breaking:

> *When the king of Wessex turned to listing the actual laws of the* domboc*, he began with the commandment he considered to be "most necessary" for every Anglo-Saxon man to keep, a law that proved to be fundamental to the preservation of English*

society: Alfred insisted that every Anglo-Saxon man keep his oaths and pledges. Instead of a prohibition of murder, treason, or some other heinous crime, the king saw oath-breaking as the greatest threat to the endurance of his kingdom. Although this prioritization of the keeping of oaths may seem strange to the modern mind, to the Anglo-Saxon it was clear that keeping one's word stood at the foundation of a civilized society.

... One can remember the habitual treachery of the pagan Vikings, whose unctuous pledges of peace were disregarded by the Danes within hours of making the pledge. It seemed to Alfred that oath-keeping truly was the virtue that most clearly distinguished a Christian nation from a pagan nation.

The significance of a man being faithful to his word was not just apparent in confrontations with other nations; it was essential for preserving domestic peace as well. In the courts of Alfred's day, guilt or innocence was not determined by the presentation of evidence and witnesses. Instead, the accused needed only to produce a certain number of "oath-helpers," men willing to swear alongside the defendant that he was innocent of the charges brought against him. This may seem naive, since it would seem easy for a guilty man to find several friends to come and swear an oath to his innocence. By giving so much weight to truthfulness in oath-making, however, Alfred helped to ensure that no man could break his oath without dire consequences. If a man was found to have sworn falsely, he would be ostracized from society, losing his right to weapons, to property, and even to testify to his own innocence in court. Thus, the men of Alfred's day took great care to ensure that they did not make careless oaths or pledges.[2]

Oaths and the fabric of society

Anglo-Saxon society was, and, as we are the representatives of the Anglo-Saxons today, arguably is still bound together by a web of vows, pledges and unretractable obligations. Some may draw distinctions between oaths and vows (such as the marriage vow), but for my purposes the sworn obligations are analogous, as indicated in the etymological discussion above showing that marriage and kinship were understood to be relationships linked by oaths. My discussion will therefore begin with the *Coronation Oath*, as sworn by the Queen in 1953, and the *Accession Declaration* made prior to that.

The religious nature of oaths was apparent in the three *Oaths of Supremacy, Obedience* and *Abjuration* sworn at various points in history by priests and bishops of the Church of England and by parliamentarians, judges and others with roles in the state. Even today, state personnel from the prime minister down to soldiers and policemen are required to swear *Oaths of Allegiance, of Office* and the *Judicial Oath*. Naturalised citizens take the *Oath of Citizenship*.

Judges and magistrates take oaths, as do members of *court juries* and *people giving testimony in court*. *Affidavits* of various kinds are also used in court procedures. Finally, there are the vows that ordinary people may enter into that are not directly connected with the affairs of state. Chief among these is the *marriage vow*. Baptism and confirmation services include vows, and *godparents* also take on responsibilities towards their godchildren.

From an anthropological point of view, oaths forge connections between people in a way that creates social bonds. Once the Church has recognised the monarch, the ecclesiastical hierarchy has sworn oaths of allegiance to the Crown and the monarch has sworn the Coronation Oath, the nature of the interlocking obligations in society becomes clear. It is a distortion to claim that England has no constitution simply because there is no hallowed piece of parchment that claims to define social bonds for all time. Such a document could only be valid if it could be shown that those drawing it up had the right to do so and the right to impose their social set-up on society, a test that is failed by all written constitutions.

The English constitution is rather organic, arising out of the natural bonds of society, which should be seen, not as a relationship with a yellowing piece of paper, as in the US, but rather as a relationship between living people. Just as oaths of allegiance forge the bond between rulers and ruled, so the marriage vow creates kinship between people previously unrelated. Permanent obligations are created by these oaths and vows. The way in which oaths of allegiance (essentially the feudal bond established by homage) creates bilateral obligations that cannot be *unilaterally* cancelled was pointed out early on by the thirteenth-century jurist, Henry de Bracton, in his *De Legibus et Consuetudinibus Angliae* ("On the Laws and Customs of England"), an early codification of English Common Law:

> *What is homage? Homage is a legal bond by which one is bound and constrained to warrant, defend, and acquit his tenant in his seisin against all persons for a service certain, described and expressed in the gift, and also, conversely, whereby the tenant is bound and constrained in return to keep faith to his lord and perform the service due.* Homage is contracted by the will of both, the lord and the tenant, and is to be dissolved by the contrary will of both*, if both so wish, for it does not suffice if one alone wishes, because nothing is more in conformity with natural equity etc. The nexus between a lord and his tenant through homage is thus so great and of such quality that the* lord owes as much to the tenant as the tenant to the lord*, reverence alone excepted.*[3]

The requirement to take oaths is often dispensed with, as where a judge allows a witness to "affirm" the truth of his testimony in court. In the House of Commons, Members of Parliament are allowed to be sworn in using non-Christian religious books, arguably making a mockery of our Constitution – because the Queen's authority is based on the acknowledgement of the Christian church, which has deep roots in our history and culture – and therefore compromising the validity of the oath. Not only are oaths often replaced by affirmations, our law-courts and statutes also claim the right to set aside oaths, as in the claim by constitutional lawyers that the Coronation Oath is "modified" by subsequent legislation, and so is ultimately meaningless. Judges also claim the right to abrogate the marriage vow, an act that unpicks social bonds. Yet the reason why any of these oaths is taken in the first place is that an oath cannot be set aside. The legal efficacy of an oath may or may not be removed, but the oath itself – its binding moral force – cannot be cancelled retrospectively.

Furthermore, the swearing of an oath, a morally binding act, means that failure to fulfil the oath is *perjury*. There is an interesting distinction between the crime of perjury and other crimes: crimes in law require malice aforethought. Could it therefore be thought that no perjury has been committed where an oath, subsequently broken, was made in good faith, and only later on did the forswearer decide to give false evidence? From this it is clear that the nature of an oath is to create an *ongoing* obligation, one that a person of honour could not resile from, and that an oath made on one day binds the swearer forever afterwards, creating the continuing possibility of perjury if the oath is broken, regardless of the fact that no false intention was held at the very time the oath was taken.

Back in the days of Alfred the Great, the difference between Englishmen and the Vikings was seen in the fact that the Vikings broke their oaths: such people were not to be trusted. Consequently, oath-breaking, in other words, perjury, has always been contrary to Common Law, although the first Act of Parliament dealing with perjury appears to be the 1540 Maintenance and Embracery Act. De Bracton indicated that perjury was against the Common Law as understood in his day:

> *The punishment of those convicted in the aforesaid assises will be this: first of all, let them be arrested and cast into prison, and let all their lands and chattels be seized into the king's hand until they are redeemed at the king's will, so that nothing remains to them except their vacant tenements. They incur perpetual infamy and lose the* lex terrae*, so that they will never afterwards be admitted to an oath, for they will not henceforth be oathworthy, nor be received as witnesses, because it is presumed that he who is once convicted of perjury will perjure himself again.*[4]

Sir Edward Coke, chief justice under James I, pointed out that the statute law against perjury introduced under Henry VIII provided for milder punishments than those provided for in Common Law, as the severity of the common-law punishments meant that few or no juries were convicted.[5] The law on perjury is interested only in the oaths administered while giving evidence in court; prime ministers who violate their oaths of office cannot be charged with "perjury". Coke stated that the breach of an oath outside the judicial setting was not perjury in law, although it was still perjury in truth, in that a general oath had been forsworn:

> *For though an oath be given by him that hath lawful authority, and the same is broken, yet if it be not in a judicial proceeding, it is not perjury punishable either by the common law, or by this act, because they are general and extra-judicial, but serve for aggravation of the offence, as general oaths given to officers or ministers of justice, citizens, burgesses, or the like, or for the breach of the oath of fealty or allegiance, &c. they shall not be charged in any court judicial for the breach of them afterwards. As if an officer commit extortion, he is in truth perjured, because it is against his general oath: and when he is charged with extortion, the breach of his oath may serve for aggravation.*[6]

Although extra-judicial breaches of oaths are not covered by the law on perjury, in many cases breaches of oaths of allegiance and oaths of office would be covered by the laws on high treason and sedition. The fact that *the offence of high treason is based on the prior allegiance of subjects to the crown* – a prior relationship of fealty that cannot be unilaterally terminated – is shown by the ancient law on petty treason. *Petty treason* (or petit treason) was a common-law offence occasioned by the betrayal of an oath of fealty to a superior by a subordinate. This common-law offence was brought into statute law by the Treason Act of 1351, before being abolished as a separate offence from murder by the Offences against the Person Act of 1828. Before 1828, the killing of a husband by his wife, the killing of a bishop by a clergyman subordinate to him, and the killing of a master or the master's wife by his servant were regarded as more serious offences than general murder, owing to the bond of obligation that existed between superior and subordinate. Originally, in the Common Law, a servant's committing adultery with his master's wife or daughter was considered petty treason too, although this was not adopted in the 1351 statute. Evidently therefore the substance of high treason lies in the bond of fealty, sworn by oaths (in the case of the officers of state), that exists between monarch and subject.

The Coronation Oath

The Coronation Oath is the very foundation of our constitution, as it creates the bonds of allegiance on the basis of which law-making and the determination of justice operate. Just as de Bracton pointed out that acts of homage create *reciprocal* obligations between the lord and his vassal, so the Coronation Oath is a contract with the monarch and the nation, requiring the monarch to uphold English Common Law and the rights of subjects of the Crown. First of all, this means that the monarch's "inheritance" of the right to govern by primogeniture is far from being an absolute right: under English Common Law (reflected in pre-Conquest practice), it is public acceptance of the monarch that makes him a monarch, and not the abstract bloodline. L.G. Wickham Legg in his authoritative *English Coronation Records* explained the Coronation Service:

> *The object of the coronation service was the confirmation of the elected prince as King.* Until the person elected had been anointed and crowned he was not King. *The title given by Hoveden and his fellow historians to Richard I before his coronation illustrates this well; [footnote in the original source: he is called Duke, not King] and the custom, more frequent on the Continent than in England, of crowning the eldest son of the King during his father's lifetime had as its object the destruction of the* interregnum *and its opportunities for disturbance consequent on the death of the father. The theory that the reign began on the day of the coronation lasted in England down to Edward I, who is the first King to date his reign from the death of his father, as indeed he was compelled to do under the circumstances in which he was placed owing to his absence in the Holy Land in 1272.*
>
> *But* not only was the prince confirmed in the position to which he aspired, he was also actually elected; *and the ceremony still remains in the modern coronation. On entering the church the archbishop addresses the people, inquiring if they be willing to accept the prince as their sovereign. The form of election thus still remains, thought it is now a mere ceremony.*[7]

Legg explains in a footnote that Archbishop Hubert Walter was dubious of the character of King John, and so insisted on King John's being elected in order to absolve himself of the responsibility for crowning such a man. That an "election" is held indicates that what Legg described as "mere ceremony" implies the right of the people, represented by the Church of England, to refuse to elect an inappropriate monarch.

Secondly, it is quite erroneous to hold that the Crown, or Parliament, or Parliament with the consent of the Crown, can do anything at all; such an interpretation of the constitution is convenient for the Establishment today, and is indeed the interpretation supported by the courts at present, but does not in any way dovetail with the origins of our constitution. This is shown in the traditional text of the Coronation Oath. Legg explains that six recensions of the Coronation service are known: the Pontifical of Egbert, Archbishop of York; the services of Ethelred II, Henry I, Edward II and James II; and that used since the Glorious Revolution. The fourth recension was introduced for Edward II's coronation on February 25th 1308 and used virtually unchanged for centuries until it was butchered to reflect James II's religious views. The text is given in Latin in the *Liber Regalis* service book, although Edward II is known to have taken his oath in French, and from 1603 English monarchs have taken their Coronation Oaths in English. The English-language version of the traditional oath, as taken by Charles I is as follows:

> *Sir, will you grant and keep, and by your oath confirm, to the people of* England*, the laws and customs to them granted, by the kings of* England *your lawful and religious predecessors; and namely the laws customs and franchises granted to the clergy by the glorious King St. Edward your predecessor according to the laws of God, the true profession of the* gospel *established in the Church of* England*, and agreeable to the prerogative of the King thereof, and the ancient customs of this realm?*
>
> *I grant and promise to keep them.*
>
> *Sir, will you keep peace and godly agreement, entirely according to your power, both to* God*, the holy Church, the clergy, the people?*
>
> *I will keep it.*
>
> *Sir, will you to your power cause law, justice and discretion, in mercy and truth, to be executed in all your judgements?*
>
> *I will.*
>
> *Will you grant to hold and keep, the laws and rightful customs, which the commalty of this your kingdom have; and will you defend, and uphold them to the honour of God, so much as in you lieth:*
>
> *I grant and promise so to do.*[8]

The Stuart version of the oath in English purported to be a direct translation of the Latin of the Liber Regalis, but some changes can be found, changes that led to allegations during the upheaval of the 17th century that the monarch had subtly altered the text. Firstly, the reference to "the laws, customs and franchises [=liberties] granted to the clergy" omitted the reference in the Latin that indi-

cated those laws, customs and franchises were not just those of the church, but of the people too: *presertim leges et consuetudines et libertates a glorioso rege Edwardo clero populoque concessas.* Secondly, the oath to uphold "the laws and rightful customs, which the commalty [=community] of the Kingdom have" altered the traditional text, *concedis iustas leges et consuetudines esse tenendas, et promittis per te eas esse protegendas, et ad honorem Dei corroborandas, quas uulgus elegerit secundum uires tuas?*[9], which contained a promise to uphold *future* laws that would be accepted by the people. For example, John Milton complained that Charles I had "razed out" the requirement to uphold laws *quas vulgus elegerit*, "that the common people would choose".[10] Edward II took his oath in old French and the original French text has: *Sire, graunte vous a tenir et garder les Loys, et les Custumes droitureles, les quiels la Communaute de vostre Roiaume aura esleu, et les defendrez et afforterez, al honur de Dieu, a vostre Poer? Jeo les graunte et promette.*[11] Here *esleu* is mediaeval French for the modern *élu*, "elected, chosen", referring to the laws and statutes that the community at large would (future tense) *choose to accept*.

It is clear that English monarchs were traditionally not allowed to accede to the throne unconditionally; they had to promise to vouchsafe to the Church and to the people of England their traditional rights. Milton argued that *vulgus* refers to the House of Commons: within the context of the battle between Parliament and King, Milton argued that the king had sworn to uphold all laws approved by Parliament. But the Latin word vulgus does not refer to the political elite, but to the common people. The nineteenth-century American libertarian, Lysander Spooner, argued that the traditional text of the Coronation Oath reflected the fact that common-law juries were free to nullify statute law:

> *This oath not only forbids the king to enact any statutes contrary to the common law, but it proves that his statutes could be of no authority over the consciences of a jury; since, as has already been sufficiently shown, it was one part of this very common law itself, – that is, of the ancient "laws, customs, and liberties," mentioned in the oath, – that juries should judge of all questions that came before them, according to their own consciences, independently of the legislation of the king.*
>
> *It was impossible that this right of the jury could subsist consistently with any right, on the part of the king, to impose any authoritative legislation upon them. His oath, therefore, to maintain the law of the land, or the ancient "laws, customs, and liberties," was equivalent to an oath that he would never* assume *to impose laws upon juries, as imperative rules of decision, or take from them the right to try all cases according to their own consciences. It is also an admission that he had no constitutional power to do so, if he should ever desire it. This oath, then, is conclusive proof that his legislation was of no authority with a jury, and that they were under no obligation whatever to enforce it, unless it coincided with their own ideas of justice.*[12]

The substance of the Coronation Oath is to maintain the "the law of the land", understood as the Common Law (not statute law), fundamentally the laws and customs of the pre-Conquest England of St. Edward (King Edward the Confessor). That this is the case, and that *a breach of the Coronation Oath by the monarch constitutes perjury* (that is, perjury in fact, albeit not perjury in law), was indicated by James I in the following account, written in 1681, by John Somers (later Lord High Chancellor from 1697 to 1700):

> *King James, in his speech to the judges, in the star-chamber, Anno 1616, told them, "That he had, after many years, resolved to renew his oath made at his coronation, concerning justice, and the promise therein contained for maintaining the law of the land." And, in the next page, save one, says, "I was sworn to maintain the law of the land; and therefore had been perjured, if I had broken it: God is my judge, I never intended it."*[13]

The Coronation Oath was updated to include reference to the Protestant church in the 1688 Coronation Oath Act, but otherwise much of the text remains unaltered from ancient times. Accordingly, the text of the Oath taken by Elizabeth II on June 2nd 1953 was as follows:

> *Will you solemnly promise and swear to govern the peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, The Union of South Africa, Pakistan and Ceylon, and of your possessions and the other territories to any of them belonging or pertaining, according to their respective laws and customs?*
>
> *I solemnly promise so to do.*
>
> *Will you to your power cause law and justice, in mercy, to be executed in all your judgements?*
>
> *I will.*
>
> *Will you to the utmost of your power maintain the laws of God and the true profession of the gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the bishops and clergy of England, and to the churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them?*

All this I promise to do.

The Coronation Oath is made during the Coronation, often at some remove from the monarch's accession. Consequently, an earlier Accession Declaration is made to Parliament in accordance with the Accession Declaration Act of 1910, which eliminated the previous long, somewhat bizarre declaration that the monarch did not believe in the transubstantiation of the elements during Holy Communion and did not support the worship of the saints. The current text of the Accession Declaration is:

> *I, N, do solemnly and sincerely in the presence of God, profess, testify and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments to secure the Protestant Succession to the Throne of my realm, uphold and maintain such enactments to the best of my power.*

The contract between monarch and people depends on our being governed according to our laws and customs – substantially, the Common Law, with amendments by Statute to update ancient customs for modern circumstances but without overturning our ancient rights – with justice and mercy dispensed through the Royal courts, and the Christian religion maintained. On each point, the Coronation Oath has been badly traduced under the royal perjurer Elizabeth II.

The fact that Common Law is the fundamental law of the land, as indicated in the Coronation Oath, was long recognised in courts of law. Neither the Crown nor the Crown in Parliament had the right to impose laws that flagrantly contravened the Common Law. The most famous example of a court decision upholding this principle is the case of *Thomas Bonham v. the College of Physicians*, normally known as Dr Bonham's Case, where the chief justice, Sir Edward Coke, ruled in the Court of Common Pleas in 1610 that

> *And it appears in our books that, in many cases, the common law will control Acts of Parliament, and sometimes adjudge them to be utterly void; for when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will control it, and adjudge such an Act to be void.*[14]

This is not some doctrine of judicial supremacy, allowing judges to strike down all Acts of Parliament that do not accord with their views – that is, after all, what we have ended up with today – but rather a strong presumption that age-old rights that have persisted since time immemorial should not be removed by Crown, by Parliament or by the Royal courts of justice. It is the doctrine of untrammelled supremacy of the Crown in Parliament that provides for tyranny, overturning, as it does, the bilateral obligations of the Coronation Oath. We seem to have turned full circle and are back to Sir Walter Raleigh's absurd contention that "the bonds of subjects to their kings should always be wrought out of iron; the bonds of kings unto subjects but with cobwebs".[15]

The religious Oaths of Supremacy, Obedience and Abjuration

The installation of the king is based, not on some abstract doctrine of the right of inheritance of supreme power by primogeniture – a concept not recognised in pre-Conquest England – but, ultimately, on the willingness of the people of England to accept the monarch, as is shown in the role of the Church of England in the Coronation service. Various kings have lost their crowns after acceding to the throne in the ordinary way, including Edward II, Charles I and James II. So what the network of oaths underpinning the English constitution amounts to is an interlocking set of binding obligations: where kings have failed to live up to their Coronation Oaths, they have lost their thrones, and similarly subjects who have failed to show loyalty to the king have been punished for crimes including treason, sedition and violation of the law of *praemunire*.

Praemunire is an ancient law forbidding the assertion of foreign supremacy against the English crown, whether Papal or secular. While *praemunire* means "to fortify" in Latin, the use of this word derives from a corruption of *praemonere*, "to forewarn", as violations of the law led in English history to the issuance of a writ of *praemunire*, warning the person to appear before the Royal council. The first statute of *praemunire* was that of 1353, in the reign of Edward III, but it is the second statute of *praemunire*, passed in 1393 under Richard II, that formed the basis for English law on the subject for centuries, until repeal in 1967. Blackstone explained the meaning of praemunire as follows:

> *This then is the original meaning of the offence, which we call* praemunire*; viz. introducing a foreign power into this land, and creating* imperium in imperio*, by paying that obedience to papal process, which constitutionally belonged to the king alone.*[16]

Consequently, just as the king made his Coronation Oath, subjects, and in particular the clergy of the Church of England, had oaths of their own to swear. Henry VIII imposed the *Oath of Supremacy* on the clergy of the Church of England in the Act of Supremacy 1534, reinstated after the Marian reaction by the Act of Supremacy 1558 under Elizabeth I. The oath was as follows:

> *I, A. B., do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm, and of all other her Highness's dominions and countries, as well in all*

> *spiritual or ecclesiastical things or causes, as temporal, and that* no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority ecclesiastical or spiritual within this realm; *and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges and authorities granted or belonging to the Queen's Highness, her heirs or successors, or united or annexed to the imperial crown of this realm. So help me God, and by the contents of this Book.*

This oath was required of the clergy, judges and mayors, and the Supremacy of the Crown Act 1562 extended the requirement to members of the House of Commons, all people in holy orders, holders of any university degree, schoolmasters and people engaged in practising law. The first offence of refusing to take this oath was declared in 1562 to be *praemunire*, and the second offence high treason.[17]

In 1605, the failure of the Gunpowder Plot to assassinate King James I led to the imposition of an even lengthier religious oath, described in the statute establishing it as an *Oath of Obedience*, which contained elements of oaths of allegiance to the king, of recognition of the king's supremacy and of abjuration of the Pope's authority, and so was frequently sworn in the place of the Oath of Supremacy:

> *I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our sovereign Lord King James is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries; and that* the Pope neither of himself nor by any authority of the church or see of Rome, or by any other means with any other, hath any power or authority to depose the King, *or to dispose any of his Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his Majesty or to give licence or leave to any of them to bear arms, raise tumults or to offer any violence or hurt to his Majesty's royal person, state or government, or to any of his Majesty's subjects within his Majesty's dominions.*
>
> *Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication or deprivation made or granted or to be made or granted by the Pope or his successors or by any authority derived or pretended to be derived from him or his see against the said King his heirs or successors or any absolution of the said subjects from their obedience: I will bear faith and true allegiance to his Majesty his heirs and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration or otherwise, and will do my best endeavour to disclose and make known unto his Majesty, his heirs and successors all treasons and traitorous conspiracies which I shall know or hear of to be against him or any of them.*
>
> *And I do further swear that* I do from my heart abhor detest and abjure as impious and heretical this damnable doctrine and position that princes which be excommunicated or deprived by the Pope may be deposed or murdered by their subjects *or any other whatsoever.*
>
> *And I do believe, and in my conscience am resolved that neither the Pope nor any other person whatsoever hath power to absolve me of this oath or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me and do renounce all pardons and dispensations to the contrary.*
>
> *And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words without any equivocation or mental evasion or secret reservation whatsoever: and I do make this recognition and acknowledgement heartily willingly and truly, upon the true faith of a Christian.*
>
> *So help me God.*[18]

These clunky religious texts were edited down somewhat in the 1688 Bill of Rights and replaced by a single combined oath of supremacy and allegiance, with the 1688 Oaths of Supremacy and Allegiance Act requiring all bishops, peers, public-sector officeholders, university masters and fellows, and officers in the army and navy to swear the following:

> *I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Their Majesties King William and Queen Mary. So help me God, &c.*
>
> *I, A. B., do swear that I do from my heart abhor detest and abjure as impious and heretical that damnable doctrine and position that princes excommuni-*

cated or deprived by the Pope or any authority of the See of Rome may be deposed or murthered by their subjects or any other whatsoever.

And I do declare that no foreign prince person prelate state or potentate hath or ought to have any jurisdiction power superiority pre-eminence or authority ecclesiastical or spiritual within this realm. So help me God, &c.

This was later supplemented from 1701 by a third oath, the *Oath of Abjuration*, a long denunciation of the rights of the Jacobite claimants to the throne, required of all senior officeholders. The Oath of Abjuration reached its final form on the death of the Old Pretender, as follows:

I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world that our sovereign lord, King George, is lawful and rightful King of this realm and all other his Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be prince of Wales during the life of the late King James the Second and since his decease pretended to be and took upon himself the style and title of King of England by the name of James the Third or of Scotland by the name of James the Eighth or the style and title of King of Great Britain hath any right or title whatsoever to the crown of this realm or any other the dominions thereunto belonging: and I do renounce refuse and abjure any allegiance or obedience to any of them. And I do swear that I will bear faith and true allegiance to His Majesty King George and him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against his person crown or dignity. And I will do my utmost endeavour to disclose and make known to his Majesty and his successors all treasons and traitorous conspiracies which I shall know to be against him or any of them. And I do faithfully promise to the utmost of my power to support maintain and defend the succession of the crown against the descendants of the said James *and against all other persons whatsoever which succession, by an act intituled, 'An act for the further limitation of the crown and better securing the rights and liberties of the subject,' is and stands limited to the Princess Sophia electress and duchess dowager of Hanover and the heirs of her body being protestants. And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken and according to the plain common sense and understanding of the same words without any equivocation mental evasion or secret reservation whatsoever. And I do make this recognition acknowledgement abjuration renunciation and promise heartily willingly and truly upon the true faith of a Christian. So help me God.*[19]

These ornate religious oaths went beyond the simple requirement of the Common Law that the subjects of the Crown recognise their allegiance to the Crown, just as the monarch upholds his side of the bond of fealty, represented by the Coronation Oath. While we are constantly told that such ceremonial oaths are "mere ceremony" today, they were intended to have a serious and unshirkable meaning, just as all oaths create obligations that cannot be unilaterally abandoned. It is for this reason that nine English bishops, led by William Sancroft, Archbishop of Canterbury, refused to swear oaths of allegiance to William III and Mary II after the effective deposition of James II. By February 1690, two of the nine were dead, and the remaining seven non-juring bishops were deprived of their sees. A point of interest is whether the Church of England should have agreed to "elect" and then crown James II, given his adherence to a foreign prelate, but once oaths of allegiance were sworn to James II, these nine bishops found it impossible to abandon them.

The Oath of Allegiance, the Oath of Office and the Judicial Oath

These various oaths were once again collapsed into a single oath under the Oaths Act of 1858, and the Jewish Relief Act of 1858 allowed Jewish subjects of the Crown to omit wording relating to taking an oath on the true faith of a Christian. The Office and Oath Act of 1867 shortened and simplified the oath yet further. Finally, the Promissory Oaths Act of 1868 replaced the oath by three much shorter oaths: the Oath of Allegiance, the Official Oath and the Judicial Oath, oaths that remain in force today.

Detailed religious context that accreted over the years was sensibly removed from the modern oaths laid down in 1868, but it was still the case in 1880 that Charles Bradlaugh, an atheist, was not permitted to take his seat in the House of Commons (representing Northampton) after announcing that he would utter the words of the Oath of Allegiance as a "matter of form" only. He was repeatedly re-elected, but only permitted to swear the oath and take his seat in 1886. The issue he highlighted led to the passage of the Oaths Act of 1888, which allowed all oaths, including oaths in court, to be affirmed. The Oaths Act of 1909 allowed the use of the Old Testament for Jewish swearers and the New Testament for Christians, and provided for oaths to be introduced by the apostrophe, "I swear by Almighty God that..." Affirmations are introduced by "I ... do solemnly, sincerely and truly declare and affirm that", with the remainder of the text identical to the parallel oaths.

The text of the *Oath of Allegiance* is as follows:

> *I, (insert full name), do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law. So help me God.*

The *Oath of Office* is very similar in wording to the Oath of Allegiance, with the difference that the Oath of Allegiance is sworn to the entire royal line (the Queen and all her heirs and successors), whereas Oaths of Office, sworn by holders of public office under particular monarchs, swear those oaths only to the monarch of the day:

> *I, (insert full name), do swear that I will well and truly serve Her Majesty Queen Elizabeth in the office of (insert office). So help me God.*

The *Judicial Oath* is a longer variant of the Oath of Office:

> *I, (insert full name), do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth in the office of (insert judicial office), and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill-will. So help me God.*

Which oath needs to be sworn depends on the precise office held. Judges, magistrates, Members of Parliament and peers receiving the writ of summons to sit in the House of Lords are required to swear the Oath of Allegiance, but individuals who hold a particular office, including the prime minister and secretaries of state take the Oath of Office. Judges and magistrates swear the judicial oath in addition to the oath of allegiance. The abolition of the Oath of Supremacy means that archbishops, bishops, priests and deacons in the Church of England take the ordinary Oath of Allegiance.

The gradual insertion of politically correct nostrums into Oaths of Office is seen in the *oath taken by police constables,* as laid down in the Police Reform Act of 2002. The new text replaced the previous wording in the Police Act of 1996 to require the police to "uphold human rights" and "show equal respect" as follows:

> *I ... of... do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality,* upholding fundamental human rights and according equal respect to all people; *and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.*

Soldiers in the British Army and Royal Marines are required to swear the following oath, as given in the Army Act 1955:

> *I ... swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown and dignity against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me. So help me God.*

Recruits in the Royal Air Force swear a similar oath (given in the Air Force Act of 1955), substituting "air officers" for "general", although curiously sailors swear no oaths, as the Royal Navy exists under Royal prerogative and not Act of Parliament.

The *oath taken by Privy Counsellors* is also somewhat different. The text of the oath was previously regarded as secret, in line with the convention that proceedings of the Privy Council are secret, but the text has been given in response to a written question in Parliament:

> *You do swear by Almighty God to be a true and faithful servant unto The Queen's Majesty as one of Her Majesty's Privy Council. You will not know or understand of any manner of thing to be attempted, done or spoken against Her Majesty's person, honour, crown or dignity royal, but you will let and withstand the same to the uttermost of your power, and either cause it to be revealed to Her Majesty herself, or to such of her Privy Council as shall advertise Her Majesty of the same. You will in all things to be moved, treated and debated in Council, faithfully and truly declare your mind and opinion, according to your heart and conscience; and will keep secret all matters committed and revealed unto you, or that shall be treated of secretly in Council. And if any of the said treaties or counsels shall touch any of the Counsellors you will not reveal it unto him but will keep the same until such time as, by the consent of Her Majesty or of the Council, publication shall be made thereof. You will to your uttermost bear faith and allegiance to the Queen's Majesty; and will assist and defend all civil and temporal jurisdictions, pre-eminences, and authorities, granted to Her Majesty and annexed to the Crown by Acts of Parliament, or otherwise, against all foreign princes, persons, prelates, states, or potentates. And generally in all things you will do as a faithful and true servant ought to do to Her Majesty. So help you God.*[20]

As mentioned above, violation of most of these oaths is not grounds for perjury, although treason and sedition charges may be preferred in some instances. However,

whereas all subjects may be tried for high treason or sedition where they show disloyalty to the Crown, the issue of adherence to oaths of office is relevant only to those who occupy the senior offices of state. Such state officials (and others) may be impeached in Parliament, in an ancient judicial procedure where the House of Lords forms the court and the House of Commons forms something analogous to a jury. However, the last attempted impeachment of a judge was the attempted impeachment of Sir William Scroggs, Lord Chief Justice of England, in 1681. In the end, he was retired from the bench with a pension.

An alternative procedure, short of impeachment, was provided for by the 1701 Act of Settlement, which gave both Houses of Parliament the right to petition the Queen for the removal of a judge, a right now subsumed into the Senior Courts Act of 1981, which requires the Lord Chancellor to recommend to the Queen that the exercise of the power of removal be used. In England and Wales, the main focus of this essay, the procedure has never been used: the only recorded instance of the use of this power was the removal of Sir John Barrington from the Irish High Court of Admiralty in 1830 for misappropriating litigants' funds.[21]

Naturalisation and Allegiance

Oaths of allegiance are nearly always sworn by officeholders. Unlike in the US, where ordinary citizens frequently take the pledge of allegiance, ordinary members of the public rarely have to do so in the UK. We are, however, assumed to have a debt of allegiance to the Queen. This is important, because the ultimately feudal concept of allegiance is not abstract; it is not loyalty to a principle or even to an entire nation of tens of millions of people, but to a specified individual, held to represent the continuity of the nation, and justified in the final analysis by the Queen's undertakings in the Coronation Oath. One example of the taking of the Oath of Allegiance by ordinary people is the provision of the Nationality, Immigration and Asylum Act 2002 that naturalised citizens take the Oath of Allegiance fortified by a newly concocted bizarre pledge to uphold democratic values:

> *I... swear by Almighty God that, on becoming a British citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law.*
>
> *I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen.*

The rooting of citizenship in feudal allegiance meant logically that allegiance in English law was indelible. Before the Naturalisation Act of 1870, no British subject, whether so by birth or by citizenship, could give up his allegiance, except by an Act of Parliament or by a territorial change (such as British recognition of the independence of the United States). An example of the importance of this principle was shown in the 1812 war with the United States, when thirteen Irish-American prisoners of war were executed for treason by the British: as Irishmen they could not renounce their allegiance to the British Crown.

Oaths in court proceedings

For most ordinary members of society, however, allegiance is somewhat abstract, as the Queen is distant from each of us, and the purpose of Royal supremacy, the Coronation Oath and oaths of office takes on a real form only in the judicial system, where we continue to hope that the Crown, as Fount of Justice, will adhere to the Coronation Oath, and that judges will adhere to the judicial oath. *No judge has ever been required to swear an oath to uphold the primacy of statute law over Common Law, or the primacy of European law over British law.* As mentioned above, the current text of the judicial oath is "to do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill-will". A reasonable argument could be made that the term "laws of the realm" refers primarily to English Common Law, and the term "the usages of the realm" undoubtedly refers to English Common Law. Judges who give primacy to European directives are clearly violating their oaths of office. Interestingly, the Ordinances for the Justices Act of 1346, showed that even Royal decrees could not override Common Law:

> *Because that, by divers complaints made to us, we have perceived that* the law of the land, which we by our oath are bound to maintain, *is the less well kept, and the execution of the same disturbed many times by maintenance and procurement, as well in the court as in the country; we greatly moved of conscience in this matter, and for this cause desiring as much for the pleasure of God, and ease and quietness of our subjects, as to save our conscience, and for to save and keep our said oath, by the assent of the great men and other wise men of our council, we have ordained these things following:*
>
> *First, we have commanded all our justices, that they shall from henceforth do equal law and execution of right to all our subjects, rich and poor, without having regard to any person, and without omitting to do right for any letters or commandment which may come to them from us, or from any other, or by any other cause. And if that any letters, writs, or commandments come to the justices, or to other deputed to do law and right according to the usage of the realm, in disturbance of the law, or of the execution*

> *of the same, or of right to the parties, the justices and other aforesaid shall* proceed and hold their courts and processes, where the pleas and matters be depending before them, as if no such letters, writs, or commandments were come to them; and they shall certify us and our council of such commandments which be contrary to the law, *as afore is said.*[22]

Some might argue that the right of Common Law to override royal commandments is a different thing from allowing Common Law to override Acts of Parliament approved by the Crown in Parliament, but this is a sophistry, given that it is Royal Assent that makes Acts of Parliament law. The final proof that Common Law in fact is the fundamental law of the land is the right of juries to nullify laws:

> *For more than six hundred years – that is, since Magna Carta, in 1215 – there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws.*[23]

The right of juries to nullify the law is rarely emphasised by trial judges, but it has been recognised for centuries, particularly since the 1670 case where jurors refused to find William Penn guilty of preaching a Quaker sermon. The judge tried to punish the jurors for their verdict – the passage quoted above from de Bracton could be held to justify a suit of perjury against jurors bringing in a false verdict, although it is arguable that the reinstatement by jurors of a Common-Law right in the face of statute law would not be a false verdict – in any case, the attempt to punish the jurors was overruled by the Court of Common Pleas. Consequently, all laws, include statute law, may be overruled by the people, leading Spooner to interpret *quas vulgus elegerit* in the mediaeval Coronation Oath as a reference to the right of the common people to accept or nullify law. Spooner was also of the view that lawsuits on taxation should be subject to trial by jury, giving the common people the ability to nullify unjust impositions:

> *It was a principle of the Common Law, as it is of the law of nature, and of common sense, that no man can be taxed without his personal consent. The Common Law knew nothing of that system, which now prevails in England, of assuming a man's own consent to be taxed, because some pretended representative, whom he never authorized to act for him, has taken it upon himself to consent that he may be taxed. That is one of the many frauds on the Common Law, and the English constitution, which have been introduced since Magna Carta. Having finally established itself in England, it has been stupidly and servilely copied and submitted to in the United States.*
>
> *If the trial by jury were re-established, the Common Law principle of taxation would be re-established with it; for it is not to be supposed that juries would enforce a tax upon an individual which he had never agreed to pay. Taxation without consent is as plainly robbery, when enforced against one man, as when enforced against millions; and it is not to be imagined that juries could be blind to so self-evident a principle. Taking a man's money without his consent, is also as much robbery, when it is done by millions of men, acting in concert, and calling themselves a government, as when it is done by a single individual, acting on his own responsibility, and calling himself a highwayman.*[24]

The involvement of ordinary people who are not officers of the state in the justice system requires them too to swear oaths or make the corresponding affirmations when serving as members of juries in court and when testifying in court. Affidavits are also used to give solemn affirmation of facts and circumstances relating to legal matters. As an oath is fundamentally religious in nature, the state has thus traditionally depended on religious commitment among the population at large to encourage truthfulness and honesty in judicial proceedings and legal submissions.

The oath sworn by members of a jury is as follows:

> *I swear by Almighty God that I will faithfully try the defendant and give a true verdict according to the evidence.*

Similarly, witnesses giving evidence in court swear as follows:

> *I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.*

However, the requirement in English Common Law that judicial proceedings be conducted on the basis of sworn testimony has been watered down by the perceived need to cater for atheists and others who do not wish to take oaths. In the case of *R v. William Brayn* in 1678, a case that related to the theft of a horse, following the refusal of a Quaker witness to swear an oath

> *the court directed the jury to find the prisoner not guilty for want of evidence, and committed the*

> *Quaker, as a concealer of felony, for refusing an oath to witness for the King.*[25]

This led to the passage of an Act of Parliament in 1695 allowing Quakers to affirm in the following words:

> *I A.B. do declare in the presence of Almighty God the witness of the truth of what I say.*

This affirmation was still religious in tone, reflecting the fact that Quakers believe in telling the truth, but are prevented by their understanding of the New Testament from swearing oaths. The Evidence Further Amendment Act 1869 extended to atheists a general right to affirm in court, and the Oaths Act of 1888 gave a general right to affirm in all circumstances, including oaths of office, but the latest text of affirmations ("I ... do solemnly, sincerely and truly declare and affirm that...") relies on no fundamental religious sincerity. An oath binds the swearer, in the presence of God, to tell the truth in such a way that no believing person could then go on to provide false testimony; an affirmation imposes no such ongoing moral obligation.

It seems clear to me that the ability to affirm in court amounts to an overturning of English Common Law, as the truth of the testimony is merely asserted. UK law addresses this point by defining, in law, the giving of untruthful testimony by someone who has affirmed, rather than sworn an oath, as "perjury". Such a person is subject to punishment by the state, but arguably the punishment is unjust, as someone who has not sworn an oath by very definition cannot have perjured himself. It is perjury in law, but not perjury in fact, whereas the oath-breaking of a prime minister is perjury in fact, but not perjury in law.

Finally, affidavits are a written form of oath, made before a solicitor in his capacity as "commissioner of oaths", that can be used to supply information to a court or legal proceedings, and contain the text, "I swear by almighty God that this is my name and handwriting and that the contents of this my affidavit are true". There is also a statutory declaration for those who do not wish to swear an oath in the form of an affidavit, and in the cases of both affidavits and statutory declarations giving false information is covered by the laws on perjury.

The Marriage Vow

We have so far discussed oaths in the context of the state, but the marriage vow is also a type of oath. The terms "vow", "oath" and "pledge" may have slightly differing definitions. But for my purposes, the marriage vow is a solemn and sworn statement that intends to create a permanent connection between the parties to the marriage. The Church has always held that the bearing of children is one of the main purposes of marriage. The relationship of the couple to each other, through their children, makes them, in Biblical terms, "one flesh". Clearly, however, not all couples have children, and so it is the vow itself, and its unbreakable nature, that makes them related to each other, truly "one flesh", even before the bearing of children. The Church has always required the marriage to be "consummated", however, and non-consummation was traditionally the only true grounds for dissolution of the marriage.

The Book of Common Prayer contains the 1662 marriage service that for centuries was the only legal marriage service in the Church of England. According to that text, the priest asks the man:

> *Wilt thou have this woman to thy wedded wife, to live together after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honour, and keep her in sickness and in health; and, forsaking all other, keep thee only unto her, so long as ye both shall live? [The Man shall answer: I will.]*

The man gives his troth to his bride with the following words:

> *I take thee N. to my wedded wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part, according to God's holy ordinance; and thereto I plight thee my troth.*

A similar vow is given by the bride (who promises "to love, cherish, and to obey" her husband). There is nothing here that suggests that the marriage vow is conditional or temporary. Leaving aside the grounds of non-consummation of the marriage, the only thing that brings the marriage to an end is the death of one of the spouses. Financial adversity, or sickness, or even the consideration that the marriage may later be considered to have been "for worse" provide no grounds for annulment or divorce. It is worth observing in passing that many weddings today use novel versions of the marriage vow – often excluding any vow by the bride to "obey" her husband – in a way that calls into question the seriousness of the vows being sworn.

The word "troth" is not used in any other context in the English language today, but is etymologically related to the word "truth". A troth is a pledge of truthfulness, and to plight one's truth is to pledge one's truthfulness in a matter. The important of the troth is seen from the fact that those engaged to be married were traditionally said to be "betrothed", and this betrothal was almost as morally binding as the later marriage itself, at least in so far that no man of honour, having sought a woman's hand in marriage and obtained her consent (and her father's con-

sent), could change his mind and marry someone else, were a better circumstance to present itself.

The permanent tie of obligation between a husband and his wife is just as essential to a healthy society as the ties of fealty between a subject and his sovereign. Some libertarians seem to believe that caddish behaviour is a libertarian right: it probably is, but *the encouragement thereof should not be state policy*. Instability in family life can be seen in societies such as England today as the flip side of state intervention in personal life, owing to the affects on child poverty, crime, juvenile delinquency and other issues that society rightly has an interest in. Freedom from the state does not mean that there ought to be no concept of duty and no bonds of obligation within the population; understood correctly, *a society with no sense of honour and duty is not going to be a free society.*

For these reasons, it is alarming that the state claims the right to be able to dissolve the marriage vow, often for trivial reasons, or even none. While courts do hand down decrees of dissolution, they cannot remove the moral force of the vows initially undertaken. The legal efficacy of the vows is removed by court order, but the vows themselves remain a matter of public record. Curiously, no court order can change the fact that a divorced wife remains the mother of her former husband's children, and so in that sense the couple remain "one flesh", unable to give any real effect to their desire no longer to be related to each other.

The vows of godparents

The marriage vow is chief among the religious vows provided for by the Church of England, because it creates an obligation between people: the vow forms part of the ties that bind society as a whole together, with the family as its unit. Other religious vows include those in the baptism and confirmation services: in baptism, the priest asks of each of the godparents

I demand therefore, dost thou, in the name of this child, renounce the Devil and all his works, the vain pomp and glory of the world, with all covetous desires of the same, and the carnal desires of the flesh, so that thou wilt not follow, nor be led by them? ... Wilt thou then obediently keep God's holy will and commandments, and walk in the same all the days of thy life?

That this amounts to a solemn vow by the godparents is clear from the closing words of the baptism service (as given in the 1662 *Book of Common Prayer*):

> *Forasmuch as this child hath promised by you his sureties to renounce the Devil and all his works, to believe in God, and to serve him: ye must remember, that it is your parts and duties to see that this infant be taught, so soon as he shall be able to learn,* what a solemn vow, promise, and profession, he hath here made by you. *And that he may know these things the better, ye shall call upon him to hear sermons; and chiefly ye shall provide, that he may learn the Creed, the Lord's Prayer, and the Ten Commandments, in the vulgar tongue, and all other things which a Christian ought to know and believe to his soul's health; and that this child may be virtuously brought up to lead a godly and a Christian life; remembering always, that baptism doth represent unto us our profession; which is, to follow the example of our Saviour Christ, and to be made like unto him; that, as he died, and rose again for us, so should we, who are baptized, die from sin, and rise again unto righteousness; continually mortifying all our evil and corrupt affections and daily proceeding in all virtue and godliness of living. Ye are to take care that this child be brought to the bishop to be confirmed by him, so soon as he can say the Creed, the Lord's Prayer, and the Ten Commandments, in the vulgar tongue, and be further instructed in the Church catechism set forth for that purpose.*

From the perspective of this article, a vow to God alone would be a private religious commitment, albeit one that may (or may not) play a role in fostering a good society, whereas *a vow creating social obligations* is part of the panoply oaths that underpin the Church and State in our constitution. For this reason, while normally regarded as mere pageantry, the promises made by godparents are of significance, because they create duties of people other than the child's parents to guide the child during his upbringing. In an age where many children appear to have little discipline and the state is called upon to monitor "parenting" ("parent" appears now to be a verb), we may well regret that friends and relatives of the family do not play a stronger role in a child's upbringing. This is, of course, but a minor footnote to the main religious vow of marriage, as the duty of parents to each other and to their children is the key social bond on which the health of society stands or falls.

The English Constitution today

Our constitution evolved organically from the human relationships that bind a society together, whether between the king and his subjects, the king and the church and the officers of state, or between husband and wife. Real personal bonds of loyalty can only exist between people. Turning human societies into relationships based on political propositions ("support for democracy") or allegiance to pieces of paper (such as the US Constitution) makes the bonds of society abstract: after all, one only has to ask where these political ideas came from and whether their propounders had the right to propound them, and if so, whence came that right, in order to unpick the constitution of such states. An interesting exam-

ple of an attempt to define allegiance in non-personal terms is the US Pledge of Allegiance, adopted by the US Congress in 1942:

> *I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

Allegiance to a flag? But a flag is just a piece of cloth? It destroys any sense of the word "allegiance" to pledge allegiance to an inanimate object. Real allegiance is made on the basis of an oath of fealty between a lord and his vassal, which is why the republican concept of allegiance is empty. Just as, in feudalism, where a villein owed his loyalty, in the first place, to the lord of the manor via a process of subinfeudation, with only the largest landowners (the nobility) having direct contact with the monarch, to whom they directly swore fealty, so today it is office-holders under the Crown that pledge allegiance, where ordinary subjects need not do so, and so attempts in the US to force all schoolchildren to declare textile allegiance to a piece of cloth seem misconceived.

Our constitution is gradually being updated by a series of new laws that violate the Coronation Oath and claim the right to eliminate English Common Law. The religious nature of oaths has been undermined. Jury trials have been restricted in scope, and statutes allowing majority verdicts to be returned also reveal the intention to remove the guarantees of liberties provided by juries. The new police oath to "equality" and the casual way in which all the key officers of state violate their oaths of office by supporting European jurisdiction over our laws kick away a few more pillars of the constitution. The installation of a Supreme Court – removing the judicial function of Parliament that provided an ultimate guarantee that traitors and others working against our society could be held accountable – is another important development.

It is undoubtedly the case that any attempt in the court system today to argue, as the Freemen on the Land do, for the primacy of Common Law over statute law will fail, as the judges are simply part of the wider Establishment that is seeking to overturn our laws. The point of seeing the central role of the Coronation Oath in providing us with guarantees of our liberties is therefore political: our fascinating Common Law heritage provides the basis on which we could campaign to restore a polity where Parliament (in other words, the political elite) could no longer govern us in such an untrammelled fashion, hedging our governors in again with traditional restraints.

It is in this light that I refuse to accept that oaths are mere pageantry. The Coronation Oath is the apex of our constitution, and its reinterpretation as mere ceremony robs the entire structure of its essential meaning, giving a green light to the technocracy to dissolve our liberties by statute and regulation. The fundamental cultural change facilitating this, however, is the cultural shift away from personal integrity. Whereas the Angles and the Saxons despised oath-breakers, the word and bond of most of us today is worthless.

Of course, there are many conservatives and libertarians who tired of our religious heritage some time ago. The alternative – the cynical technocracy – will be far worse than the inculcation of moral fibre in old England ever was. A society populated by people you cannot trust to keep their word is a different type of society – I would argue that it is not a society at all – and where society retreats, bureaucratic power rushes in to fill the void.

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About the author

David Webb studied Chinese and Russian at Leeds University, where he was involved in Marxist politics. He has since become a conservative writer, contributing to *The Salisbury Review* and *Right Now!*, and more recently contributing extensively to the Libertarian Alliance. He lived for four years in China (Tianjin, Kunming and Chengdu) and now writes freelance on Chinese politics and economics. He is also a student of the Cork dialect of Irish and runs the Cork Irish website at www.corkirish.com.

Too taxing…

Professor David Myddelton, the Chairman of the SIF's National Council, had this letter published (20th June 2012, p. 23) in *The Times*…

Sir, Margaret Hodge (Opinion, June 25) is right to say: "Clearly, we should simplify our tax system." But it is hard to attach much weight to this throwaway remark by the chairman of the Public Accounts Committee when this year's Finance Bill comprises 668 pages and is so enormous that it has to be bound in three separate volumes.

D. R. Myddelton, London, W9.

BRITISH SACRED COWS

George Maunnter

As others might see us

English visitors to India are amazed by the cows allowed to wander and feed everywhere because of the Hindu religion. They fail to recognise the sacred cows allowed to feed off the State in the United Kingdom because of insular mythology. No British government dares abolish or reform them because there is a cosy consensus by all mainstream political parties to maintain them. Here are some.

The Monarchy

British mythology states that the country is uniquely fortunate in having an ancient monarchy. Untrue: it is not the oldest in the world. (That distinction belongs to the Japanese dynasty, which dates to the pre-Christian era). Neither is it the oldest in Europe. (That distinction belongs to the Spanish dynasty which descends from the Visigoth kings). It certainly is not unique: a quarter of the countries in the world are monarchies. The myth further extends to the erroneous belief that British parliamentary democracy would collapse without a monarch. To sustain this, huge amounts of tax-payer's money are expended on the extended Royal Family. It costs more than all the other European monarchies combined as the Queen has four official residences and over 700 servants. The media pump out monarchist propaganda to sustain the myth. In flagrant disregard of the dysfunctional adulterous, divorce-prone lifestyle of the Royals, the monarchy is adulated as the nation's moral role model, with the monarch as "Supreme Governor of the Church of England."

The aristocracy

More generally, the United Kingdom is one of the only countries in the Western World which maintains a recognised titled ruling class. Even other monarchies have abolished their aristocracies, for example in Scandinavia. To add to recognised hereditary aristocrats, new peerages and knighthoods are awarded twice yearly: on New Year's Day and on the Queen's Official Birthday. Ridiculously, the latter are awarded in the name of the no longer-existent empire: a KBE is a Knight of the British Empire! This titled "Establishment" reinforces the rigid English social class system and creates snobbery, whereby the lower orders respect their superiors. This was illustrated in 2011 when John Prescott (a Labour politician of working class origin) accepted a peerage because he stated that his wife (a former Hull hairdresser) "wanted to be a Lady." Instead of being abolished, this pernicious system is reinforced by successive governments (both Labour and Conservative) granting titles to donors to Party funds and retired politicians, thereby augmenting the existing hereditary title holders to reinforce "The Establishment.".

The Commonwealth

This is extolled as a unique organisation. It is not. *Francophonie* consists of 56 member states with a biennial summit since 1970s. The *Comunidade dos Países de Língua Portuguesa* (Community of Portuguese Speaking Countries) does likewise. The Arab League and the Organization of Ibero-American States convene annually. The Russophone Commonwealth of Independent States is similarly organised. The supposedly Anglophone Commonwealth of Nations is wrongly described as an English-speaking organisation. In fact, most citizens of Commonwealth countries cannot understand the language. In India for instance, the vernacular National Language is Hindi; in East Africa it is Swahili. Even Mozambique, whose official language is Portuguese, has been admitted to membership. Many English-speaking countries are not and never will be members, e.g. Liberia, Philippines, Republic of Ireland and the USA.

To sustain the myth, the London popular media insist on using the outdated designation "British Commonwealth" and the government awards honours in the name of the no longer extant "British Empire" such as the British Empire Medal. The Commonwealth is presented as Britain's sphere of influence. It is not. Commonwealth countries maintain tariff walls against British goods. India (the largest Commonwealth country), for instance, buys only a tiny proportion of the United Kingdom's exports. The Commonwealth of Nations is also hailed as a beacon of democracy. Wrong again. Several member states have rigged elections, e.g. Uganda. One, Papua New Guinea, even had in early 2012 two rival Prime Ministers! One Commonwealth country, Sri Lanka, is accused of organising the massacre of Tamil civilians. Despite that, the 2013 Commonwealth Heads of Government Meeting is scheduled to be held there. In addition, many member states are administered corruptly and incompetently. Being part of the hypocritical Commonwealth gives them an undeserved cloak of respectability. In 2012, a survey in Jamaica showed that the majority believed the country was better administered when it was a British colony!

The 'Special Relationship' with America

This chimera is, like the Commonwealth, used by British Government Prime Ministers to pretend that the United Kingdom wields great "unique" international influence. In fact, the relationship does not even exist. In the United States the "Special Relationship" refers to, and only to, its alliance with Israel. At moments of crisis, the American administration does not even consult Britain when it places its nuclear missiles here on nuclear alert: Britain's American Trident nuclear deterrent. The influence is all one-sided. The United States thus pressured the United Kingdom to join and remain in the European Union as an Americanophile voice there. (The "Yes" campaign in the 1975 British referendum on European membership received substantial American financial support). Since taking office, the previously Eurosceptic Cameron has been pressured by President Obama to be conciliatory to other countries in the European Union. In addition, the United Kingdom joins in hopeless American wars, such as Iraq and Afghanistan, which are of no benefit whatsoever to this country. The Afghan War is (2012) costing every British taxpayer £500 per annum with no tangible benefits.

The British nuclear deterrent

The United Kingdom has the ruinously expensive Trident system. It is purchased from the United States, which controls its use. It thus has the worst of both worlds: it is not independent and it costs, literally, a bomb (£40 million by 2012; £70 million per missile). Other countries (e.g. France, India, North Korea and Pakistan) have cheaper, home produced, completely independent nuclear weapons.

Foreign aid

All three major English political parties have ring-fenced foreign aid by pledging not to reduce it. They ignore the tangible evidence of misappropriation. This is especially true of the huge amounts given to Afghanistan. In addition, the recipient countries are often undeserving. For example, India spends huge sums on defence, including nuclear weapons. Giving money to institutionally corrupt countries is counter-productive as it allows their governments to steal more public funds and spend less on welfare.

The NHS

This is regarded as "unique." It is not. Many other countries have health services free at the point of delivery such as Canada, Cuba, Poland and Russia, to name but a few. They operate fairly efficiently, but their example is completely ignored by the insular British media and political establishment. The awful Patricia "Patronising" Hewitt, when Secretary of State for Health, described THE British national health Service as the envy of the world. It is not. Other European countries do not have waiting lists of several months for operations, or waiting times of several hours in Accident and Emergency Departments. To sustain the myth of a unique, wonderful British National Health Service, each succeeding government (including the post-2010 coalition government) is elected on a promise not to cut National Health funding, despite the organisation's inefficiency and profligacy. This is evidenced by the £1.9 billion spent on a national computer system which does not work and was abandoned in 2010. To add insult to injury the company responsible – Computer Sciences Corporation – was awarded another National Health Service contract in 2012 worth £900 million (*Daily Telegraph*, 6th March 2012, p. 1).

The Welfare State

As the Labour MP, Frank Field, and others have repeatedly pointed out, the British social security system is the worst that could be devised. Means-tested benefits are paid to those who earn and save little or nothing. Those who earn and save are taxed to pay for this. The system thus rewards the lazy, feckless and spendthrift, while penalizing gainfully employed savers. The population responds accordingly. One third organise their affairs so that they qualify for means-tested benefits. Maintaining this huge class of *lazeroni* constitutes the greatest part of United Kingdom national expenditure.

Equal opportunity

Politicians and the media endlessly repeat the mantra that social class divisions in the United Kingdom are declining. Untrue. Social mobility is now rarer than fifty years ago, mainly because of the abolition of grammar schools which provided a ladder from the working class to the bourgeoisie. As Mary Bousted, General Secretary of the Association of Teachers and Lecturers said, "We have schools for the elite, schools for the middle class and schools for the working class (*Independent*, 5th April 2012, p. 1). The United Kingdom remains governed by a tiny hereditary class. This is illustrated by the fact that both the Cabinet and Shadow Cabinet consist of hereditary Oxford graduates. Their fathers and offspring are all educated there. It is the exclusive finishing school for the establishment, which includes the Labour party. Exactly as in the eighteenth century, men educated at Eton and Oxford occupy the top positions in the State. Uniquely in the western world, this country retains a narrowly based ruling class: "The Establishment.". It is a system established by the Norman conquerors in 1066 since when, uniquely in Europe, this country has escaped enemy occupation which would have resulted in change.

Meanwhile, the underclass remain trapped in poverty and ignorance. As the Riots Panel Final Report of 27th March 2012 stated, there are half-a-million forgotten families

who bump along the bottom of the socio-economic system and which are alienated from the mainstream. Their plight is sealed by poor State schools that fail to make them articulate, literate or numerate. Their only two narrow windows of opportunity to escape into wealth and status are entertainment and football.

There was, exceptionally, a rare outburst of realism about this sacred cow in May 2012. On the 10th May 2012 at Brighton College, Michael Gove, the Secretary of State for Education, denounced segregation of rich and poor and pointed out that "privately educated people dominate all aspects of life in Britain. Children who are born poor are more likely to stay poor in this country than any other comparable nation."

On the 23rd May 2012 Nick Clegg, Deputy Prime Minister, declared that British society was as dominated by class as it had been a century ago. He said that snobbery was still the religion of England as it had been 80 years ago.

On the 30th May 2012, Alan Milburn, the "Social Mobility Czar", reported that there was a glass ceiling across the professions and that in this country birth not worth dictates people's outcomes. He blamed the lack of social mobility on too few good schools.

Then on 27th May 2012 Dr Rowan Williams, Archbishop of Canterbury, condemned social divisions in this country.

Parliamentary democracy

During each General Election campaign, opposition Parties dishonestly promise radical reform.

A change of government, however, results in exactly the same policies being pursued. Thus in 2010, the Conservative Party promised to reduce the deficit, reduce social security expenditure, reduce the size of the civil service, stop the ruinously expensive Private Finance Initiative, cut immigration, loosen ties with the European Union, abolish the European Convention on Human Rights, and end foreign wars. It has broken all these pledges and instead is continuing the policies of the previous Labour government.

The fact is that the three main parliamentary parties are merely factions of one united, like-minded Oxford-educated hereditary ruling class. Thus shortly after the change of government, the new Leader of the Opposition (Oxford educated Ed Miliband) visited Afghanistan and expressed full support for the new government's unwinnable war there. The basic fact is that all the major political parties adhere to the cosy consensus to maintain the sacred cows described. They constitute the ruling closed shop known as "The Establishment" which has run this static society since 1066, with one temporary hiatus during the English Commonwealth (1649-1660) which has almost been airbrushed out of history books here.

The lack of democracy is further illustrated by the fact that the United Kingdom is one of the only countries in the entire world to have a completely unelected parliamentary chamber: the House of Lords. Even the current (2012) proposals for reform envisage members of the upper chamber having a fixed fifteen-year tenure during which they cannot be voted out of office and so do not reflect the will of the electorate. In other words, "The Establishment" must be above public scrutiny, unlike Senators in other countries.

Insularity

There is an unshakeable public perception that Britain alone has liberty. Thus it is (completely incorrectly) assumed that continental countries do not have juries. In fact they all do (except for Germany), as the former Communist countries of Eastern Europe (including Russia) have introduced them. The United Kingdom is one of the only countries in Europe that does not allow prisoners to vote and receive conjugal visits (which are a feature of even the Russian penal system). The reality is that Britain is one of the most authoritarian countries in the Western World. It has, for instance, the most draconian laws against pornography (e.g. state censorship of films and DVDs and criminalisation of mere possession of "extreme" pornography). Instead of recognising this, however, the country is in permanent denial.

Xenophobia

Anything emanating from abroad is automatically suspect. Thus, if a British citizen is convicted by a foreign court there is an automatic outcry in the British media that he must be innocent. Similarly, many British crimes (e.g. drug dealing, money laundering and trafficking women) are blamed on foreign nationals. The European Convention on Human Rights (which was drafted by a British lawyer, Maxwell-Fyfe, who was a leading member of the Conservative Party) is derided in the United Kingdom because it is administered by "foreign" judges who by implication are inherently inferior.

It is wrongly assumed that British soldiers are incapable of committing atrocities, whereas the beating to death of Abu Mousa in Iraq demonstrates the opposite.

The BBC

This is another holy liability. Practically every United Kingdom household has to pay over a hundred pounds a year (enforced by sanctions in the criminal courts) to pay for this bloated and profligate organisation. Each succeeding government promises to maintain the oppressive

licence fee. The BBC is top-heavy with overpaid jobsworths. Instead of being a public service broadcaster, most of its programmes are more trivial than those of commercial television and radio. Why, therefore should the taxpayer fund them? The only excuse for the existence of the BBC is public service broadcasting which it rarely does.

The Church of England

Most countries in the world are secular States. England, however, has an established church of which the monarch is "Supreme Governor on Earth". (Not "Head," which title was abjured by Elizabeth I.) As a result, Bishops sit in the House of Lords and the government publicly describes this country as "Christian." (See 2012 pronouncement to this effect by the Queen, Prime Minister David Cameron and Cabinet Minister Baroness Warsi who is herself a Muslim!) The problem is that England has the lowest rate of church attendance in the European Union and anyway is a multi-faith society with several million Muslims. The whole privileged edifice of the Church of England is therefore a sham, representing practising Anglicans who comprise a tiny minority of the population (4 per cent) but control "The Establishment." It is organised in flagrant violation of its founder's precept of "Render unto Caesar what is Caesar's and unto God what is God's". Instead, Anglican bishops are appointed by the Crown on the advice of the Prime Minister. It is as though Christ entrusted the appointment of his disciples to Pontius Pilate!

Hypocritical prudery

Parliament and the Media constantly attack sexual immorality while themselves practising it. Many national politicians and journalists are themselves divorced but advocate "family values" for others.

The mere mention of the word "pornography" produces instant Pavlovian public condemnation. "Good taste and decency" are the shibboleth, often legally enforced by, for example, the Advertising Standards Authority, the Broadcasting Standards Council, the *Obscene Publications Act* and the *Video Recordings Act*. The popular press contains what Professor Christies Davis described as "double porn", i.e. pornography masquerading as an attack on it. This is unlike Continental "honest porn" which does not pretend to be anything else.

The same prudery extends to prostitution. It is regarded as disgraceful and all activities connected with it such as advertising and soliciting are criminal offences under English law, thus condemning "working girls" in this country to permanent fear of arrest. Feminist British politicians, such as Harriet Harman, Deputy Leader of the Labour Party, insist that most prostitutes in the United Kingdom are trafficked women working as sex-slaves. These politicos are so disgusted by commercial sex that they cannot accept that it is a voluntary life-style choice and instead they want to criminalise men who pay for sex and wish to ban lap-dancing venues. They are like Thomas Carlyle's description of the Puritan parliament that, during the Commonwealth of 1649, banned bear baiting, not to protect the animals but to prevent the spectators deriving enjoyment, just as it closed the theatres. This is pure hypocrisy because many British politicians and journalists use the services of prostitutes (e.g. Joe Ashton, Lord Gowrie, Lord Jellico, Lord Lambton, John Profumo and Ernest Sharples, to name but a few from recent history).

To sum up, Britain remains an insular, semi-feudal realm culturally divorced from the mainstream, meritocratic Western World.

About the author

George Maunnter is a long-time member of the SIF.

HOW *SOME* IMMIGRANTS INCREASE WEALTH

Richard Garner

There are immigrants and then there are immigrants

On the 6th August 2009, my local paper, Nottingham's *Evening Post*, published an article (http://tinyurl.com/6mywqyu) that told the story of the deportation of an illegal immigrant.

My response – writing as a member of the Libertarian Party UK – was published on the *Evening Post's* website on the 14th August 2009 (http://tinyurl.com/d7h5ltq):

> *I was saddened to read of the Pakistani worker deported by immigration authorities on July 27. In this country we are rightly concerned about immigrants who come here to get a free ride or abuse our welfare state.*
>
> *However, in this case, we have a person who has come here and made an effort, not to go on welfare, but to support himself by benefiting others through his work – after all, somebody must have thought his work was worth paying for, voluntarily, with their own property.*
>
> *Immigrants who come here to join our work force benefit us, and this aggressive clamp-down on peaceful economic migrants makes us poorer.*

"Taking our jobs…"

The letter elicited a number of responses on the paper's website (same link as my letter). They generally all seem to be of the type expressed by 'William, WB', who wrote,

> *More immigrant workers = more competition for jobs and wage cuts for British workers if they want to keep their jobs. Great for big business! This is fact and is why the mainstream media are always telling us that immigration is such a good thing. Talk to workers in construction and many other industries and you'll find out what's really happening. And the Labour traitors promote this policy and say there'll be no end to immigration! The left-wing union leaders are no better.*
>
> *That's why the mass media and Labour are so hostile to the BNP. They know the BNP are the only party who will put an end to mass immigration and cut off the endless supply of cheap labour that holds down the wages of British workers. That's if they are left with jobs at all.*

The "Fixed quantity" fallacy revisited

My own response to these comments was,

> *There is a nutty fallacy around that there is only a fixed amount of work, so that if one person gets a job, that means that there are fewer jobs left for everybody else. This is completely false. Competition for jobs will increase, sure, perhaps reducing wages again, so sure again. And these reduced wages will entice new employers, driving competition for work up again. Meanwhile money that employers save by hiring cheaper workers is money that they must either spend on the products of others, increasing demand for those products, and so for demand for workers to supply them; or that they must invest in their own business, thereby increasing output relative to demand, so causing prices to fall, and also increasing employment opportunities in that business; or they must invest it in somebody else's business, with the same results there. Meanwhile, the increased immigrants mean increased demand for goods and services, and so increased demand for workers to provide them. Just as obliging British workers to compete with cheap machines hasn't caused mass unemployment or falling wages for British workers, neither does obliging them to compete with cheap foreign workers.*
>
> *Sure, this person was here illegally. But he harmed nobody, violated the rights of nobody, his immigration had no victims, and he benefited others. Actions that do not violate rights or harm others should not be illegal, and people should not be arrested or punished for them.*

Debate ended there, so I must have won!

About the author

Richard Garner was a libertarian philosopher and a frequent contributor to the SIF and the Libertarian Alliance until his premature death in 2011 at the age of 33. He left behind a body of work that we will try to publish. This short article is an edited version of one that appeared on his personal blog on the 12th October 2009.

THE PROBLEM WITH SMOKERS: THEY'RE TOO NICE!

Mark Roberts

New victims

Persecution has recently become unfashionable; the traditional persecutees – Jews, blacks and homosexuals – can sleep easy at night, knowing that the prickly armour of political correctness surrounds them and protects them from any criticism, let alone persecution. This means that, for people of a persecutory disposition, cheated of their normal prey, these are hard times.

Mercifully, however, there still remains one group who can be persecuted with impunity: the smokers. You can harass and torment smokers to your malicious heart's content without in any way tarnishing your reputation for political correctness – indeed, you will probably enhance it! Presumably that was the aim of the *Evening Standard* columnist who denounced smokers as "smelly, self-harming, financially hammered, and statistically more likely to have numerous other negative characteristics too, including mental health problems and criminality."[1] Can you imagine any columnist daring to write such poisonous vitriol about any other minority group? But the pleasures of self-righteous contempt can be enjoyed to the full at the expense of smokers.

And that, surely, is the hardest thing to take about the smoking ban: the trampling on individual freedom is shocking enough, but the inhuman spitefulness unleashed and encouraged by the ban is even worse.

A kindly doctor recently wrote as follows to a national newspaper:

> *"It was very cold in the Euston Road in London last night when my attention was drawn to an elderly woman smoking. She was in a wheelchair outside a hospital, dressed only in a pink dressing gown, and attached to a drip feed. Might not this reminder of what the smoking ban means for people like this woman prompt the Government to relax the draconian legislation pushed through by its now discredited predecessor? Would it be so uncivilised to find a warm place in that hospital for an elderly smoker to console herself?"*[2]

Back came the prompt reply from another reader, warning that it would be dangerous to allow an elderly patient a warm place to smoke, because it might encourage her to light up more often. "On this basis, we should open more off-licences, so alcoholics don't have to wait so long between drinks."[3] Well said, sir! The patron saint of anti-smoking, Adolf Hitler, would be proud of you.

He would also approve of the treatment of 96-year-old Mr Cyril Carter, who stayed with his 93-year-old wife Lydia at a hotel in the north of England; because he dared to smoke in his room, the manager forced Mr Carter to pay a £100 "room cleaning" charge before leaving.[4] Just think of Mr Carter fighting in the Second World War (comforted and sustained by the occasional smoke) to make Britain safe for vicious little jobsworths like that hotel manager.

Grin and bear it

But as the anti-smokers get nastier and nastier, how are the smokers reacting to this persecution? Mostly they just grin and bear it, feeling there is not much they can do when Parliament, the supposed defender of people's freedoms, allies itself with the oppressors. In any case, grinning and bearing it is the stoical response of smokers to most of the troubles of life, like the man in the superb Hamlet cigar advert. Thanks to the benign and calming influence of tobacco, the average smoker is an easy-going, accepting, tolerant kind of person, not a great one for shouting about his or her rights, and all too easily pushed around.

That is why smokers tolerate having to stand outside pubs, smoking in the rain, without even smashing the occasional window in frustration. And that is why the father of a family, after a hard day's work, feels unable to enjoy a cigarette after his evening meal without exiling himself to the back yard. And, of course, he does this quite voluntarily because, being a nice chap, he would never do anything to harm his wife or children and, sadly, he believes all the absurd propaganda about "passive smoking".

If any readers of *The Individual* also believe in the harm done by passive smoking, I suggest they read *Scared to Death* by Christopher Booker and Richard North, which takes apart the research on passive smoking and shows how little evidence really exists for its alleged ill-effects. Incidentally, Professor Sir Richard Doll, who first discovered the link between (active) smoking and lung cancer, had this to say about "passive smoking": "The effect of other people smoking in my presence is so small it doesn't worry me".[5] (Naturally, the health fascists won't use *that* quote in their propaganda!)

The simple fact is that smokers are just too nice, which unfortunately makes them prime targets for what Auberon Waugh called "the new intolerance, the new nastiness".[6] And when they do try to argue their case, there is

a touching naïveté about some of the arguments they use. For example, they will point to the closing down of many pubs as a result of the smoking ban; but don't they realise that, for their opponents, this is an argument in *favour* of the ban? The enemies of freedom *hate* pubs: pubs are evil places where ordinary people gather together without any proper supervision or monitoring! They are places where politically incorrect ideas often get expressed! The sooner all pubs are closed down the better!

Standing up

There is, of course, the occasional brave soul who dares to defy the will of a tyrannical Parliament: a shining example is Mr Nick Hogan, a pub landlord in Lancashire, who has somehow never learned the habit of unquestioning obedience. He allowed customers to smoke in his pub, then refused to pay the outrageous fine of £3000 (plus more than £7000 costs), and ended up with a six months' jail sentence.[7]

And so we see the best and the worst of the British people: on the one hand, Nick Hogan, a man who stands up for freedom, even to the extent of going to jail, and, on the other hand, the 387 bossy meddlers in Parliament who voted for the smoking ban. What a chilling thought: 387 MPs to whom the idea of individual freedom means nothing – and 46 of them claimed to be Conservatives!

For true Conservatives, however, the crowning insult was yet to come a few months ago, a Conservative prime minister declared to the House of Commons[8] with apparent satisfaction: "I think the smoking ban is successful"; and in the same sentence he claimed that he "believes strongly in liberty". Of *course* you do, Mr. Cameron! Of *course* you do! Truly, he is the "heir to Blair".

There has recently been talk of having a new Bank Holiday, possibly on St George's Day or on another day to be called Trafalgar Day. I have a better suggestion: let's dedicate the day to the idea of Freedom, and let's call it Nick Hogan's Day.

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About the author

Mark Roberts is a teacher in south-east London.

The anti-business bias of the Olympics opening ceremony

Professor David Myddelton, the Chairman of the SIF's National Council, had this comment published (30th July 2012, http://tinyurl.com/bo9qm7e) on the Institute of Economic Affairs website…

Artistically one could argue that the opening ceremony put far too much emphasis on appealing to the 80,000 or so people present in person. After all, if, as has been suggested, as many as one billion people were watching across the globe on television that means there were 12,000 people watching on television for every single person actually present in the stadium. As to the content of the opening ceremony, it is hardly news that the British intelligentsia misunderstand the implications of the Industrial Revolution. They take its enormous benefits for granted while pretending (like Bertrand Russell) that it somehow made most people worse off.

D. R. Myddelton.

THE PLANNING TRAVESTY: PART 1

Professor Alice Coleman

Strange Beginnings

The birth of the British planning bureaucracy was very strange. Right at the start it was hi-jacked for a purpose quite different from that intended in the 1947 Town and Country Planning Act, resulting in serious harm. A good look at what planning actually does is necessitated by the Coalition's present "reform", which will unleash further damage on our land, people and economy.

The inspiration for planning was Sir Dudley Stamp's 1930s Land Utilisation Survey.[1] It mapped the use of every plot of land in the country and was a valuable guide for the World War II plough-up campaign. British agriculture was depressed in competition with cheap food imports, but when enemy U-boats sank the importing ships, more home-grown food was vital and Stamp's maps showed where production could be restored. The Ministry of Agriculture and its Scott Committee led the drive for nationalizing land-use initiatives through a planning establishment – one of the many nationalizations in Labour's post-war policy of greater government control.

The Planning Act had two purposes: land use and finance. It decreed that no land use might change unless it conformed to the official county plan and that no plan would be official until approved by the Minister, who might make any emendations he saw fit. The financial policy was compensation for those refused permission and a betterment fee paid by those granted it. It proved unworkable and eventually both had to pay for even for applying, with no refund if refused. This is an extra charge on top of our tax money for central and local planning offices.

Planning was meant to safeguard our land and some geographers were appointed but most of its new staff had a completely different purpose, based on a speculative foreign hypothesis – Modern Movement architecture, as set out in Le Corbusier's *Vers Une Architecture*.[2] It was an untested French and German concept, which alleged that "throwing people together" in a block of flats would form a community, served by "streets in the sky" (shops and services on the upper corridors), and benefited by "low density", created by extensive lawns around the crated-up homes. This was called "planning", and had led to the founding of the Town Planning Institute long before planning became official. The mere name made its architect members seem natural recruits as planners, despite the fact that their concern was building design, not land use. And of course, they could present a well-developed, if false, design system to impress appointment committees, while geographers were still groping their way from land-use problems to solutions.

The hi-jack became obvious to me in an early 1950s planning appeal. The Thameside cement industry had been refused permission to excavate its own high ground for a good depth of chalk and the architect County Planner had stipulated two other areas – a valley with most of the chalk eroded away and a large worked-out chalk-pit. I knew the area well and had made a local school a large-scale model showing all the industry's chalk and clay-pits, so my first contact with planning made me rather sceptical as to whether it was as wise as it professed to be. I wrote a full geographical analysis, and when it was published in *Town Planning Review*,[3] a local planner said he wished they had the time to conduct similar research themselves.

My scepticism of nationalized planning was also stimulated by the Conservative's repeal of Labour's nationalized bulk buying of food imports. This had led to even stricter post-war food rationing than that during the war, yet it still diverted funds to the mass purchase of chewing gum. The seemingly disorganized activities of thousands of small traders proved far more efficient because they were responding to real needs and soon ended rationing. How far could renewed freedom for planning initiatives bring a solution to to-day's problems?

Other denationalizations during the premiership of Margaret Thatcher were also successful because they allowed competition among different providers, but later ones were bogus and created problems. They shifted financial responsibility to the private sector but kept government control, calling it "regulation" instead of "nationalization". And three still fully-nationalized entities, the National Health Service, social services and planning, all have problems.

Housing

Wartime bombing had made housing an urgent need so the architects could have been beneficial, but planning is so dilatory that it has never solved the housing shortage and now we need two million more homes. Quickly erected prefabricated houses seemed a solution but the builders' union complained that they robbed its members of work and so they were discontinued.

The first delay was the five years allowed for preparing county plans, which meant that 14 years without house-building would have elapsed since the 1939 outbreak of

war. But half the planning authorities took longer and it was 18 years[1] before all could tackle this *urgent* need.

The actual plans were dreary, difficult-to-decipher documents – a mixture of fact and fiction, showing what was to remain and the hoped-for changes. These details covered only 10% of the country, leaving rural areas undifferentiated, apparently to serve purely as a land resource for urban expansion. This was the first and last planning land-use map, and I felt that geographers needed up-to-date knowledge, so in 1960 I launched The Second Land Utilisation Survey of Britain, which recorded some 250 use types[4,5] at the scale of 1:10,000. I recruited about 3000 volunteer mappers and devised a new, rapid method of measuring each type's area accurately. Together with sample resurveys, it provided a more factual knowledge of the effect of planning than the planners' own. Some of them came to came to study my maps or invited me to give talks, including a presentation at a national planning conference.

But planners were complaining that minor changes were too piecemeal. They wanted unoccupied land for comprehensive development, totally designed in ideal Modernist ways. They condemned inner-city Victorian houses as outdated and demolished up to 90,000 of them annually to clear the ground for starting afresh. One of my several surveys of the heavily bombed London Borough of Tower Hamlets showed that planners had already demolished six times as big an area as the bombs, and the official property registers showed that some sites had been left derelict for 15 years. I asked what had gone wrong and was told "Nothing." There were to be four more years of demolition before comprehensive redevelopment was launched. This was the low density principle with a vengeance and a great accentuation of the housing shortage. It was also callous, as there was no compensation for those who lost their homes, until Edward Heath became Prime Minister and ordained that those evicted must be provided with alternative accommodation.

Planning callousness still occurs occasionally, as when the owner of an attractive new £2 million house was ordered to demolish it because it was four feet too high. But gipsies are not ordered to demolish the structures they erect without planning permission, even though they steal other people's land in the process. Planners turn a blind eye in their direction.

The new towns did not have room for all and those who would not leave their roots had to squeeze into the remaining inner-city housing. I then realized that low density was a mistaken principle. The real problem was overcrowding – people per room, not dwellings per acre. Destroying dwellings increased overcrowding, and when that reached its limit, there was a great homelessness epidemic. People had to sleep rough in shop doorways, with newspapers and cardboard boxes in lieu of blankets. This phenomenon lasted up to 20 years. My press cuttings from that time suggest varied causes but only one nods in the direction of planning. However, it was the loss of older, cheaper houses that had robbed the homeless of what they could have afforded. I suggested caravans on the stripped land but this met a Ministerial sneer, "Perhaps you'd like *tents!*" I did think they might be better than the "cardboard city". The acute shortage also led to long waiting lists for council accommodation and had the normal economic effect of increasing house prices and rents, as well as introducing housing benefit – two of the ways in which planning has caused inflation. Planners now use the excuse that massive immigration is causing the shortage but that does not explain its persistence ever since World War II.

There were denials that the shortage existed but the main reason for unoccupied premises was that people could not live where there were no jobs. Except in the new towns planning had not matched the location of housing and employment.

Planners always boast of their good design but that merely means the "virtues" imagined by Modernism. One was un-British flat roofs that did not shed rain into gutters but leaked it through the ceilings. I personally had to have a new roof. Another was thin party walls that let neighbours hear each other's conversations. There was a copious use of asbestos which had to be removed. Cold-bridge metal connections between inner and outer parts of the home drained away heat, and the shared heating for which everyone paid equally was only lukewarm for those at the end of the system. One block's lift never worked and at least one estate had over 300 refuse-chute fires each year.[6] In some blocks refuse was not collected until tipped off the balconies into horrible heaps below. And the cliché that a house was a machine for living in valued function over attractiveness, so even "brutalist" concrete was beautiful in planners' eyes.

Of course, not all architects are tarred with the same brush. The authors of *Dunroamin,*[7] said that during their very first morning as architectural students they had been made to feel ashamed of their own homes but they later rebelled and wrote their book. Modernists pay no attention to what sort of homes people prefer; they are sure they know better than those who have to live there. Five 1940s questionnaires on dwellings for after the war showed an overwhelming choice of semi-detached houses but although some firms produced them, others adhered to the Modern Movement trend for more flats. A strict planning principle decreed that house exteriors should be exactly alike. My garage door must be a specific shade of blue and I am not allowed to glaze my balcony to create extra rainproof accommodation. Many Americans are surprised by the identical dwellings that show how this former land of the free is now under the heel of planners.

The problem is that coping with millions of people's planning initiatives needs exceptionally high intelligence and there is not enough of that to go round the many thousands of planners. There *are* excellent planners. One refused the demolition that would rob people of their homes. Instead, he relieved their narrow streets of traffic pressure by making them one-way in alternate directions, with parking bays separated by small pavement projections, each with a tree.

Modernists regard their designs as unquestionably good and do not investigate their effect upon their residents bur research shows this "good design" is a major cause of crime.

Defensible Space

The first scientific research into why many estates of flats are crime-ridden was undertaken by a New York architect, Oscar Newman, who studied that city's 4000 local authority blocks.[8] Their 1600-man housing police force recorded the location of every crime and anti-social incident in the six block-types, so Newman plotted the offences on floor plans. He noted eight design features that attracted large numbers of them and correlated crime with design. He also discerned three causes: anonymity, lack of surveillance and escape routes for criminals.

(a) *Anonymity:* Herding people together into the same building did not create a community but an impersonal lack of social structure that left residents feeling anonymous. Buildings shared by too many people for them all to know each other assured intruders that they would not be identified and could safely prowl to seek illicit opportunities. Large high blocks were more anonymous than small low ones, so the number of dwellings and the number of storeys were related to the degree of harm. If a block was subdivided, the number of dwellings per entrance was a third relevant measure. A fourth was "spatial organization" – the degree to which the grounds and the common parts of the building were open to outsiders as well as residents and Newman considered that this could vary around different parts of each building's exterior.

(b *Lack of surveillance:* To form a community, residents must see each other often enough to learn whom to trust, who should remain a mere acquaintance and who is sufficiently compatible to become a friend. Modernism impeded this process by making all the flats' exteriors alike, with no clue to the occupants' personality, and its ultra-privacy principle reduced the scope for seeing others come and go. There were no lingering places such as the front-garden walls of traditional houses, where passers-by can chat with occupiers out gardening. The only way to get to know strangers was to invite them into the flat and people were apprehensive about doing that.

Criminals like to operate unseen, so lack of surveillance invited crime. Newman found offences were commoner in internal corridors with windowless flats on both sides than on external corridors, visible both from dwelling windows and by people on the street, making burglars feel uncomfortable. Entrances flush on the pavement were safest because they were in full public view, whereas those set back were more vulnerable and those inside the estate were the worst crime-infested. Approach paths winding among shrubs gave cover for muggers.

(c) *Alternative escape routes:* Multiple exits, stairs and lifts let criminals be more audacious, as even if spotted red-handed they had a choice of directions in which to disappear.

Crime levels peaked in buildings with all eight of these misconceived designs. Newman modified a few features to test whether their effect could be reversed and there was a small but significant crime decrease, unlike the escalating crime rate everywhere else. His 1973 book, *Defensible Space*, was a great beacon of hope and when I read it, I tried to persuade planners in our Department of the Environment (DOE) to adopt design improvement. Alas! They dismissed design influence as a purely American problem and preferred a socio-economic remedy, but decades of socio-economic subsidies, such as free schooling and health care, child allowances, the dole, housing and heating benefits, etc., still leave crime worsening.

Design Disadvantagement

As the DOE was blinkered, I launched my own Newman-type research in Britain, funded by the Joseph Rowntree Memorial Trust. London has more council blocks than New York, so I chose just the two boroughs with the most – Southwark and Tower Hamlets, with a total of 4099. These were harder to study than Newman's 4000, because almost all the blocks, unlike individual houses and flats, were different. Planning authorities paid architects to design each one separately. A few standard types would have saved public cost and also prevented the trend towards larger buildings with more crime. But the diversity helped the research, as it forced us to observe each block on site, which revealed eight more relevant design features.

These 16 designs (Table 1) are *variables*, each with a range of *values*. For example, number of storeys is a variable, with values of 2 to 27 in the two boroughs. The diversity afforded a full range of values for each variable, not just a jump from one block type to the next as in New York, and that enabled us to carry out a more exact statistical analysis.

The analysis needed test measures and as British crime figures are not published for individual blocks, it was necessary to use other evidence – the visible signs of social

TABLE 1: THE 16 CRIMINOGENIC DESIGN FEATURES OF BLOCKS OF FLATS	
Design Variable	**Values: Harmless underlined (numerical maxima)**
Dwellings per block (A)	Up to 12. 13 or more (317)
Dwellings per entrance (A)	Up to 6. 7 or more (2260)
Number of storeys (A)	2 or 3. 4 or more (27)
Dwelling type (A)	One-storey flats. Two or three-storey maisonettes (3)
Overhead walkways (A, ER)	None. One or more (6)
Number of exits (ER)	One exit only. Any alternative exit or exits (89)
Number of staircases/lifts (ER)	One only. Any alternatives (103)
Dwellings per corridor (A)	Up to 4. 5 or more (70 in Belfast)
Entrance position (LS)	Behind fenced individual gardens, flush on the street without recessed porches. Behind unenclosed ground along the street, inside the estate
Entrance type (LS)	Door behind a garden for each ground-floor flat and common entrance for upper storeys, or a common entrance for all. Doors for ground-floor flats without gardens and common entrance for upper storeys.
Entrance closure (ER/CG)	Doors. Open apertures
Ground-floor use (LS)	Flats. Shops, facilities, garages, open parking among pillars
Play areas (CG)	None. One or more (6 in one estate)
Blocks per site (ER, CG)	Each one enclosed as a separate site. More than one not enclosed separately (81)
Access points in site edge (CG)	One. More than one. No enclosing fence at all.
Spatial organization (CG)	Semi-private, semi-public. Confused space.

TABLE 2: TEST MEASURES OF SOCIAL BREAKDOWN	
Worsening breakdown, left to right	
Litter	None → Clean and casual → Dirty and decayed
Graffiti	None → Inside or outside of the entrance → Both inside and outside
Excrement	None → Urine of faeces → Both
Vandal targets: Windows, doors, fences/railings etc., stairs, lifts, building fabric, electrics, refuse facilities, garages/car-parks, individual storage sheds.	

breakdown listed in Table 2, recorded for each block together with its design features. Litter, graffiti and excrement were each divided into three classes and noted inside the entrances and within a radius of 3 metres outside them. Over 40 types of vandalized target were identified but we kept only the ten that were most likely to be always observable and not, for example, broken branches, which did not occur where there were no trees. And Southwark provided another useful measure – block-by-block figures for numbers of families with children in care.

Our findings supported Newman's but suggested slight modifications, so I went to New York to consult him and he agreed. Internal corridors with up to four flats were better than long external ones because the residents on each floor could all know each other. Set-back entrances were better than those flush on the street if they were fronted by fenced gardens reaching the pavement. And my concept of "confused space" as an extra spatial organization value allowed the classification of whole blocks instead of exterior variations. A fourth cause of crime, lack of control of the grounds, was added to Newman's three: anonymity, lack of surveillance and escape routes, which referred to buildings, and as some of the design features were related to more than one cause, their initials (A, LS, ER and CG) are shown in brackets in Table 1.

The 16 design variables will be explained in more detail in the later section on the DICE Project that covers how we superseded planner's criminogenic designs and reduced their high crime rates to virtually nil.

These measures were graphed against the values of each variable and all worsened as the values increased, confirming Newman's findings with more exactitude. Statistical analysis revealed a threshold level between harmless and harmful values of each variable and the number of harmful ones in the same block was termed its *disadvantagement* score, ranging from 0 to 16. Progressively worse scores brought social breakdown to progressively more blocks and also revealed the successive order in which planned design has crumbled away society's restraints.

I showed these discoveries to Sir Kenneth Newman, the Commissioner of the Metropolitan Police, who arranged to provide block-by-block figures for serious crimes and these clearly proved that worse scores produced worse crime and more types of offence. Only three of the 4099 blocks had a zero disadvantagement score and although they were in a high crime area they were completely crime free – a testimony as to how genuinely better design can protect, whereas planning's allegedly good design multiplies crime victims. With scores of 15 or 16, every block was crime-ridden.

Clearly, the problem of Modern Movement flats was not just American and I later saw the same effect in countries of every continent except Antarctica, which has no blocks of flats. I was asked to explain the research to classes of middle-grade police officers being trained for possible promotion and the police set up an architectural liaison policy.

The feature which is common to all the harmful variables is the enforced *sharing* of the same building and grounds by different families. This casts light on certain pre-planning trends of rising and falling crime rates.

Embryonic 19th-century evidence was originally obscured by the lack of systematic crime records until the century's last quarter, but numbers committed for criminal trials gives evidence of 50 years of increasing crime followed by a second 50 of crime decrease.[13] Both were related to housing design. At first the industrial revolution's population growth outstripped the housing supply and many people were crammed into shared rookeries and tenements, but later there came the extensive streets of Victorian single-family houses, which progressively reduced harmful sharing and also crime.

The year 1900 had the lowest crime rate ever recorded but by the 1930s it had doubled. During this period the Town Planning Institute was encouraging the introduction of flats – modern tenements. Their interiors were much better than those of the old tenements and they commended themselves to architects as large monuments to their designers' greater glory, but they still enforced the sharing of buildings and grounds and still produced crime. Planning has made them much commoner than previously so crime has far exceeded the peak 19th century rate. And as it has multiplied, it has also become more vicious in character.

The design disadvantagement research included two items not covered in *Defensible Space*. Are houses really are less criminogenic than flats? And how do flats affect children?

Single-Family Houses

4127 single-family houses were analysed by age. The test measures steadily improved through progressively newer ones up to 1939 but those built in the planning era gradually worsened, as more of the Modernist designs were included in them. So a multiplicity of house-builders' initiatives did do better than a nationalized control system, in the same way that traders' freedom ended the severe rationing caused by nationalized food-buying.

The planning machine always asserts that it alone prevents chaos like that which preceded it and which would surely follow if control were abolished. It did not analyse what was wrong with the earlier system but simply condemned it with no word allowed in its defence. Yet it had considerable virtues, which came to light as soon as I began to enquire into it.

In most areas a few small building firms competed to keep house prices low. The decline in family size from the 19th to the 20th centuries meant houses could be smaller and cheaper, and the coming of electric light brought another cost-cutter – lower ceilings than had been needed for gaslight fumes. There was no shortage. Builders produced rather more homes than were needed, which avoided waiting lists and gave purchasers and renters a choice. They did not have to snap up half-liked houses for fear of losing them. This choice can still be seen in many 1930s roads of semi-detached houses, where every pair may have a different façade from its neighbours and sometimes from *all* the others. The firms moved towards the popular choices that quickly sold or rented and listened to people's comments on better possibilities. The rapid provision of affordable properties helped people vacate the remaining tenements, which were being demolished.

Semi-detached houses foiled burglaries because they had no back gates where criminals could sneak in. Access to the back garden was through a lockable gate at one side of the façade, visible to neighbours alongside or opposite. Front fences lined four surrounding roads and back fences abutted other back gardens in the interior. The crime rate was held in check. I once saw a television programme in which an ex-burglar was driven round in a police car to point out which layouts would be easy or hard to burgle. The chief deterrent was the pre-planning layout where a series of back fences would have to be scaled to reach successive properties.

Any undesirable development could be banned by law. When vehicles gave easy access to a linear sprawl of houses along arterial roads, it was stopped by the 1935 Ribbon Development Act. Planners are mistaken in thinking that only they can prevent chaos. They have created it.

Our study of planned *houses* identified twelve Modernist defects, listed in Table 3. As with flats the number of flaws in any house is its disadvantagement score, in this case running from 0 to 12. One 12-scoring site in Milton Keynes had an atrocious reputation.

Facades: Planning cites ultra-privacy to justify banning front surveillance, asserting that people prefer to view their back-gardens. Deeply recessed porches screen burglars forcing front doors and projecting ones block outward sight-lines. Functional plainness may seem lacking even to architects, so they set houses at an angle, one side blocking the next one's outlook.

Frontages: 5 metres emerged as a good garden depth, as cars can be parked at right angles to the road and not slewed round parallel to it. The latter leads to paving over so no-one is out gardening to chat to passers-by and form a community. Very shallow gardens are left unplanted and very deep ones reduce surveillance. Planners ban fenced gardens, preferring a common lawn, but this causes resentment when some fail to mow their section. Disputes by right-to-buy residents in Daventry led the housing authority to erect side fences for houses sold later.

Front fences and gates train children to keep to the pavement and not trespass into others' gardens. This avoids knocking and running away or sitting noisily on doorsteps not their own. Front fences also protect householders who come out to stop bad behaviour, disposing of minor problems and preventing the growth of worse ones, including cases where some have been turned on and murdered. Planners may insist that front fences are set back within the garden, to let drivers see other cars coming

TABLE 3: THE CRIMINOGENIC FEATURES OF HOUSES

Design Variables	Values: Beneficial underlined
Facades	
Front ground-floor window	Bay window with a clear outlook up and down the road. No window, or one too small or high for surveillance.
Front doors, garages	Door flush in the façade or slightly recessed behind an enclosed porch. Deeply recessed or projecting forward to obstruct surveillance from the window.
Façade alignment	Parallel to the road and set back the same distance. Disjointed zig-zags or other set-backs and projections blocking the outlook.
Frontages	
Front-garden depth	5m, to allow parking at right angles to the road. Greatly less or more than 5m.
Side fences	1m high on both sides of each garden. Absent, low or weak, or too high to allow sideways surveillance.
Front fence	1m high and solid at ground level to keep out dogs and blown litter. Absent, low, weak, or too high to allow surveillance.
Front gate	1m high. Absent or with openwork that lets dogs through.
Front, side and back links	
Front road	Through road with pavements both sides. Closes, shared road and pavement surfaces with no kerb.
Land use opposite	Houses, shops, etc. giving neighbour surveillance. Back fences or unenclosed land.
End-of-row dwelling	Corner house. End house.
Back-garden fence	No back gate.
Rear land use	Directly abutting another enclosed use. Alley, road, parking area, garage court, green or other publicly accessible use.

round corners. This may make their depth less than 5 metres.

Surrounding Features: Houses should face a through road, integrated into the whole road network. There should be three kinds of surveillance, from alongside, from opposite and by passing pedestrians. But planning has created innumerable culs-de-sac. It assumes everyone finds kindred spirits in their own close but this may not be so. A family may have friends nearby as the crow flies, but not directly accessible because of the head of the close intervenes. Visiting each other involves travelling in four directions, which may take more than eight minutes on foot, a time limit above which Canadian research showed people took to the car. And car users have been made public enemies, punished by multiple taxation – so these roundabout routes create driver victims, as well as extra vehicle noise and fumes.

Planning prefers end-houses to the former corner houses. The latter had front gardens that wrapped round both the intersecting roads, with window surveillance in both directions but end houses present a bare, gardenless end to the second street. Children may paint goal-posts on it and subject the occupants to a ceaseless succession of thuds and shouts.

The backs reveal other ways in which planners dream up supposed benefits with adverse effects. The Radburn layout aligns each row the same way, to maximize sunshine. Unlike the alternating directions of pre-planning days, this excludes the anti-burglary value of back gardens abutting each other. The front of one row faces the high back-garden fences of the next, which give no surveillance, and even if there is no back gate, the fence can be scaled by intruders. There is also the extra cost of a road for each row, instead every second row as previously.

Another supposed benefit was the separation of vehicle and pedestrian routes, to ensure ultra-safety. Two facing rows of frontages were separated by a path for those on foot and cars were relegated to a rear road between two lines of back fences. When drivers alighted, they were saved having to trek right round the end of the row by the supposedly kindly device of short cuts – alleyways running from the back to the front, sometimes as often as every third house. Alleys have no windows for surveillance and have long been thought potentially dangerous. My great-nephew was dragged into one by eight thugs, to be robbed and kicked and left with a broken cheekbone. Planned alleys incorporate side fences of back gardens, as easily scaled as back fences and with greater ultra-privacy. And as cars cannot be parked outside front doors, heavy loads must be lugged through. This is a burden on furniture removers who may charge more.

Cars left unobserved behind houses may be stolen, so planners may demand garage courts there. But these are frequently broken into. Different garage doors show where the originals have been burglar-damaged and the new ones do not match. Another pointer to crime is the existence of extra security, sometimes three padlocks in addition to the door-handle lock.

Pre-planning houses became cheaper but planning has set prices soaring. Apart from the long-term shortage effect, there is another major cause in planning's low density principle. Builders may no longer use the whole of each site for houses but must leave a sizable proportion as unbuilt green space. This means that there are fewer homes to help recoup the cost of the land so the price of each one must be greater. The tragedy, as my statistical analysis shows, is that this costly green space is the strongest of all the design influences in promoting a high volume of crime. But governments seem to have gone green-mad. The dictionary appears wiser, when it defines one meaning of "green" as "immature, unsophisticated or gullible".

Regression lines drawn to generalize the relationship of test measures to individual house design features showed a puzzling feature. The zero score for design gave a minus figure for the behavioural aspect. We eventually realized that, like the square root of minus one, this could have an actual meaning and interpreted it as showing that houses could weather a few problems without immediately distorting people's behaviour. In fact, whereas the best flats were merely harmless, the best houses were actively beneficial and consequently I advocated that no more flats should be built. There were already far more than enough for those who really wanted them.

Children in Flats

Law-abiding people who move into flats do not become criminal and Oscar Newman's research seemed to suggest that increased crime sprang solely from greater opportunities for existing offenders. But my research showed that Modern Movement architecture also breeds its own criminals by making it hard to raise children in the traditional way.

It is over a century since psychologists established that parents are responsible for the way their children grow up, and they are now at it again. At the time of writing, yesterday's and today's newspapers have carried three articles proclaiming this fact as if it were still news, which seems to elicit two questions. Since it has been known for so long, why have psychologists not developed a path to better parenting? And why are parents so much worse than they used to be?

Perhaps psychologists themselves have frightened many parents into not disciplining their children as of yore by warning that it could make them neurotic. But this does not explain why modern parents in houses of pre-planning date rarely have delinquent children, whereas

families in homes with progressively higher disadvantagement scores have progressively more juvenile arrests. Each year adds another disaffected child cohort so even if the discovery of Modernism's harmful effect had banned all extra flats, the problem would still grow worse over time, especially when the many young criminals became parents and then grandparents.

Because of my researches, I was asked to give about a thousand talks to societies and organizations outside my work at King's College London. If they published a journal, I offered to write up my talk for it, but one group flatly refused the offer. They were child psychologists and seemed to think my stress on design was an attack on their parenting theory. Not so. Design disadvantagement is not a deterministic theory but probabilistic. It recognizes that Modernist homes have a wide range of parents, from the best to the worst. Modernism makes child-rearing difficult, so excellent parents become merely good, good ones are reduced to being mediocre and bad ones become appalling. Psychological counselling involves the expense of treating every affected child individually and there are always more coming, but it seems that design improvement can lighten the burden for all. There are five other major other causes of crime and my book with Mona McNee, *The Great Reading Disaster,*[9] discusses one of them but the design of the home affects children in their first five formative years and seems the worst of the five. It is also the simplest one to remedy.

How do Modernist dwellings affect child-rearing? Individual back gardens let parents control who comes in to play with their toddlers, but flats have no controllable outdoor play space Playing in internal corridors creates objections to noise and external ones risk children climbing over the parapet and falling to their death. Planners insist on communal play areas and there were 916 of them among our 4099 blocks. They were far from being redeeming features, as the blocks nearest to them had markedly worse social breakdown than those further away.

Mothers thought that because they could look down from their flats' windows and see their children in the play areas, they must be safe, but they could not see how older delinquents bullied them and drew them into the criminal subculture. One mother told me her children had said that the wishes of their peers were more important to them than those of their parents.

Furthermore, because the play areas were constantly accessible, they became boring and they were often left unused. However, there remained the pleasure of vandalizing them, so their upkeep was costly. I recall one that consisted of a maze with paths flanked by wooden poles, which were all uprooted in the first year to feed the Guy Fawkes bonfire. Play areas in parks were much safer as there would be an adult presence, and mothers did not take their young ones there often enough to create boredom.

The training value of front fences and gates can be contrasted with the common green spaces in estates of flats, which let children to go right up to the dwelling windows and peer in – or break in. This is why greens are the most powerful factor in creating a high volume of crime.

Planners thought that closes would be safe for children as cars had to be slowing down towards their dead ends but this idea too, had an opposite effect. Its safety let children play on the road surface so they were robbed of road drill, which also happened where there was no separation of pedestrian and vehicle routes, and likewise in pedestrianized shopping precincts. This left them unwary on ordinary roads and for a time international statistics showed that while British pedestrians had the lowest rate of deaths and injuries in Europe, the figure for child pedestrians, year by year, was Europe's worst or second worst. When I mentioned this at a talk I gave to Salisbury's housing officers, one of them responded by saying, "I'll buy that. When we lived on a road, my three-year-old respected the pavement but now we have been two months in a close, she will run out on to any road". Fortunately, ways have since been found of preventing this disaster.

However, children still go through the alleys to cars parked at the rear, which they can vandalize unseen, or force open their doors to steal from them. They may also steal the cars themselves to go joy-riding and perhaps kill people. They may repeatedly break into rear garages, so that some are abandoned to become rubbish dumps and the abode of rats. Such criminalizing opportunities are prevented on ordinary streets, because cars are parked in front of the house, and can be seen and heard by their owners.

Streets in the sky proved another fallacious prescription. Shops on upper corridors could not provide the variety required by shoppers, who went elsewhere, and they had no passing trade, so they did not last long. Their end was hastened by children's vandalism and shop-lifting, and where just one remained, its window breakages led to replacement by permanent metal shutters. Even those relocated at ground level had the same problems, and pointed to the advantage of a public shopping street, rather than something just serving an estate. Isolated corner shops on pre-planning streets were viable and had no such problems because they were not surrounded by flats and also had easy access from a network of interlinked streets.

The Home Office found that the socio-economic factor of high child density was strongly correlated with vandalism,[10] and an attempt was made to reduce the number of children in flats higher than five storeys, by allocating

vacancies to childless tenants. This made a small dent in the graphs at that value but the same social-breakdown trend resumed. Design was causing the trend but high child densities were intensifying it. And of course children living nearer the ground could still ride up in the lift and vandalise parts of the upper floors.

The Home Office report also stated that it was difficult to bring children up properly if they were over one-sixth of the tenant total and as councils gave priority to families with children, council estates were exacerbating the problem. And quite possibly, raising the school-leaving age to 16 was giving youngsters a longer childhood period instead of initiating them into the adult world.

There were many early indications that the "good design" alleged by Modernists was seriously problem-ridden. One estate was so badly vandalized that it needed comprehensive restoration after only four years, and some blocks passed beyond hope of rescue in only 12 to 15 years and had to be demolished. By contrast, 150-year-old Victorian houses like those condemned by planners as worthless are still functioning as satisfactory homes.

I reported the findings of the design disadvantagement research in a book entitled *Utopia on Trial.*[11] It was published by the firm of Hilary Shipman, whose editorial and publicizing skills were superb. It received 300 good reviews and had five printings. Margaret Thatcher read it and invited me to Downing Street for intensive questioning – the sort that others called "grilling". This may be because they have done too little homework to give useful answers but with my team's 35 man-years of research to draw on, I had no problem, so it was a pleasant occasion. As a scientist herself, she understood the scientific basis of our work and within two days she had promised £50 million to finance a Design Improvement Controlled Experiment (DICE), to attempt the rescue of ideally planned estates.

The DICE Project

The aim was to improve high-crime estates by taking out the planners' "good designs" and replacing them with what my research showed would work better. Originally the funding was borrowing permission for local authorities but when the Secretary of State for the Environment, Nicholas Ridley, saw our systematic progress, he changed it to an outright grant. The question was whether reversing the design would also reduce crime. It did – producing almost complete crime reduction, far more rapidly than I had dared predict.

It was decided to survey each estate four times as follows:

a. An initial survey of designs and test measures as a basis for devising constructive changes to present to tenants, who would vote on them.
b. Before starting site work to see if the discussions had produced any change. They had not.
c. After completion, but as benefits of other improvement types were short-lived we needed
d. A resurvey a year later to see whether the improvement was lasting. It was.

To make the project even more scientific, DICE blocks were to be grouped by their original disadvantagement scores to compare with unmodified groups having the same scores, in order to note their relative test-measure changes. It was expected that the DICE improvements would not be matched by the control groups and, indeed, that these would have continued to worsen. We could draw on controls all over the country, as besides the London estates in *Utopia on Trial*, we had mapped many others before finding local authorities keen to co-operate without imposing their own undesirable conditions, and for each one we produced a report to the DOE.[12]

Overhead Walkways: Our first design modification was pre-DICE, as *Utopia on Trial* led Westminster Council to ask for help with its Mozart Estate. This was on the site of demolished artisan cottages and had received two design awards but after only six years it was so problem-ridden that the rest of the cottage area was retained. Our survey showed that 550 flats were inter-accessible on overhead walkways extolled by planners as streets in the sky to give safety above traffic level. We discussed our improvement scheme with the tenants and were then asked to use a small sum available at the end of the financial year to begin the work. It was enough to pay for the demolition of four overhead walkways, which took four days, and I did not expect it to make a significant difference. But three days later a group of tenants declared it was "blissful". Previously their sleep had been disturbed every night at about 2 a.m. by noisy teenagers who banged on their doors and brought barking dogs who fouled the corridor. This ceased when the walkway was removed and they had had three nights blissful sleep. Many other unexpected benefits also emerged from design improvement.

Further work on the estate began five months later, so the police checked crime records for five months before and after the initial walkway removal. They reported that the high burglary rate had fallen 55% in that week and stayed down. The criminals had not attacked nearby areas instead, as those had 10% fewer burglaries, so there was a real behavioural improvement.

Without overhead walkways, dwellings-per-entrance may be fewer than dwellings per block. But walkways made them more numerous, so their demolition not only deducted a score point for their own extinction but also reduced the impact of three other variables: dwellings per entrance, interconnecting exits, and interconnecting stairs and lifts. These were not necessarily brought down to their threshold values and made harmless, but the scope

for multiple improvement led us to make overhead walkway removal the first step in the DICE Project.

Some walkways had one staircase serving two blocks. We made this serve one block and walled it off from a new one serving the other. Nottingham had lifts in the middle of long walkways, and we thought tenants would want to keep them. They did not, as there had been a tragedy when yobs learned how to raise or lower the lifts with the doors open. On one occasion a seven-year-old was sitting on the lift floor with his legs sticking out, and when the lift went up, they were torn off and he died.

Reducing Upper Floor Problems: Walkway removal left each block separate and the next aim was to reduce the number of its own inter-accessible dwellings. We converted the ground-floor flats or maisonettes into "quasi-houses" with no internal access to the upper floors but as this floor also had entrances to upper dwellings, DICE prescriptions for the latter will be explained first.

Upper floors needed division into small self-contained sections where all tenants could know each other, ideally not exceeding 3 storeys, 6 flats, 4 per corridor, one exit and one staircase.

Number of storeys: In the north, with a less acute shortage, blocks could be "top-downed", leaving ground-floor flats or maisonettes as individual houses. Top-downing has reduced crime in the Netherlands, where I addressed a three-day conference entitled Utopia on Trial, after my book. But in most of Britain, the shortage precluded such a reduction in the number of dwellings.

Though three storeys was the threshold number, we accepted four if they consisted of just two maisonettes, one above one other. With more upper dwellings it might be impossible to prove who had caused damage or injury when objects were dropped from a window, but with just one, proof was inescapable and the problem seemed not to occur.

One way of storey reduction divided high blocks into three levels: ground-floor quasi-houses, new entrances to make the next two floors a walk-up block, and restriction of the existing lift and staircase to serve only the storeys above that. The last was probably still too large, especially if the block was not long enough to be divided laterally with extra entrances, but the sub-blocks were nevertheless much smaller than before – a contribution to the environmental maxim that "small is beautiful". In buildings on a slope, the bottom two levels could both become quasi-houses with entrances on the downslope and upslope sides respectively. Neither could have back gardens, but both could have the front gardens they had lacked previously.

Dwellings per corridor: Long blocks had their corridors divided to leave four dwellings on each floor, with new entrances where necessary. Many had eight dwellings along internal corridors so we had a wall built across the middle to leave each half with only four, with a new entrance if they did not already have one at each end. In one double-entry block this division produced another unexpected benefit. An upper corridor was being used as a drug dealing site and if the lookout saw a policeman approach, there could be a rapid getaway through the other end. When the barrier wall made this escape impossible, the drug dealing went elsewhere.

It was a delight to be able to operate without planning permission, but we had to take account of fire regulations, and overcome them when they were irrational. The fire-service itself was most co-operative, but two estate regulators objected to the barrier walls, as they wanted noxious fumes to disperse along the whole corridor length. I argued that this would poison twice as many people and got them to include a flue on each side of the wall so that fumes could rise and be dispersed harmlessly, high above the block.

In another estate the regulator objected that the half-corridor length was too long in time of fire. We shortened the inner end by enclosing it to add to one flat's entry hall, and shortened the outer end by recessing the fire doors back from the corridor exit.

Walls dividing external corridors allowed fire rescue over the parapet but burglars could easily swing round them into the next sub-block. We therefore enclosed extra space for the flats on both sides, each with a new front door facing along the corridor and a blank wall on the outside with no handholds to help intruders get past them. In one estate financed by a Housing Trust, the funding did not allow these extra enclosures, so we recommended planting copious prickly shrubs on both sides of the barrier wall, as an alternative deterrent.

One Exit. This defence against multiple escape routes for criminals was automatically included in our modification of corridor length. But we also found a second exit was justified if it led only into the same sub-block's securely enclosed grounds.

One Staircase: Young intruders prefer an easy ride in a lift to a laborious toil up flights of stairs, so there is less social breakdown in walk-up blocks. Of course, tower blocks must have lifts but DICE advocates protecting the upper floors by placing families with children in separated-off ground-floor dwellings wherever possible. This could not be done in the early explosion of council housing because only families with children were then admitted. But high child densities declined when the empty-nest phase was reached and our researches showed that old people had a beneficial effect in reducing problems.

Spatial Organization: Oscar Newman defined four types and I added a fifth, type "e" in the following list:

a. Private space – within the dwelling.
b. Public space – where all are entitled to go, e.g. roads and parks.
c. Semi-private space – enclosed for individual households but visible to outsiders, e.g. front gardens.
d. Semi-public space – enclosed for shared use by the people of a given building, e.g. the grounds of a block of flats, or school grounds.
e. Confused space – areas meant to be semi-private or semi-public but left insufficiently enclosed and likely to be invaded by outsiders taking short cuts.

A block in London's Brandon Estate illustrates confused-space problems. An estate road ran through an archway under it and lawns led right up to its ground floor flats, many of which had been burgled. Their tenants had boarded up the windows and lived in artificial light. But when the grounds were walled to create a single-block site with just one gate, the improved sense of security was so great that the boarding was taken down and daylight admitted once again.
In Preston's DICE estate, where the housing shortage was less acute, similarly vulnerable ground-floor flats were left vacant. But after we gave them front and back gardens with protective fences, they became habitable again.

Quasi-houses: These do not spring into being simply by preventing internal access to the floors above but need as many as possible of the beneficial house-design values set out in Table 3. The role of front gardens has already been mentioned and I was told of their effect in a non-DICE estate. Previously children had called for their friends by banging on the door and running on, so the parents did not know who they were and found loitering groups of them rather intimidating. That changed completely with the coming of fenced front gardens. The callers had to walk up the path to the front door, where they waited for it to be opened and the parents discovered their identity. They then talked to them when they saw them about the estate and engaged in non-intimidating conversations. This again revealed the role of fences in creating the communities that Modern Movement blocks fail to do.

Fences must be the right height and we found the cheapest solution was a brick base to stop litter drifting in, with railings above to maximize light for the plants. The railings allowed motorists to see whether other cars were approaching round a corner, so it was no longer necessary to leave part of the garden outside the fence. Also recommended was a change where a path led to a tunnel between two houses and thence to separate gates into their back gardens. In most cases this path had an ungated entrance on the pavement, open to intruders. A safer arrangement, seen in St Helens, was to make the gardens and their front fences continuous along the pavement and give each house its own gate into the tunnel just in front of its façade.

Front fences and gates should flank a pavement and road but frequently fail to do so as the Modern Movement has different ideas on estate layout. We turned closes into through roads by demolishing the barrier houses at their heads, and one Manchester headmaster said this meant that buses taking pupils to the swimming pool no longer had to reverse in a three-point turn outside the school gate but could simply drive ahead. The counterproductive greens may easily accommodate new roads but sometimes other measures are needed.

In the Mozart Estate, blocks with internal corridors had back gardens which we turned into front gardens by slicing off their ends to widen a back alley into a road. The door into the corridor was sealed but tenants did not want the kitchen door to become the main entrance so another garden strip was sliced off along the facade to create a porch with a door into an extension of the living room. This double loss of outdoor land was strongly opposed by a man with a beautiful garden but fortunately his flat was at the end of a block so we could compensate him with a sideways expansion behind the entrance to the upper floors, still on the other side of the block.

The tenants were delighted with the change as it produced another unexpected solution to a problem. The pre-existing high back wall had allowed unseen people to come along the alley and dispose of rubbish by throwing it over into their gardens but the lower front fences meant they would be visible and rubbish dumping stopped. The beautiful garden was revealed and its owner became a guru consulted by other tenants. This made him a strong DICE supporter and his influence led the estate's gardens and balcony flowers to win a national award.

There were many other cases where dwellings had to be reversed. In DICE's Manchester estate there were blocks backing on to a road with front doorsteps facing an alley. These were given a front fence and gate at the former rear, and the alley was divided up to form small back yards. More difficult to improve were alternate rows in Radburn layouts, but both there and in areas of vehicle and pedestrian separation, we made through roads every second row and abutting back gardens between. Each alley was enclosed in the garden of an adjoining house to make it semi-detached, and the resulting benefit was shown by an interesting episode in Manchester.

Previously the Bennett Street Estate had 19 road and alley exits affording alternative escape routes for thugs from nearby areas, who had a habit of invading en masse to create havoc. Enclosure of the alleys left only five road

exits, and on one occasion the splendid Tenants' Chairman had got the police to co-operate, when she followed the escaping scoundrels and radioed their position to a helicopter, which directed the police to the right exit road, ready to arrest them as they emerged.

Back gardens also made a big difference. Youngsters often complain there is nothing to do on planned estates. For example, there are no longer small industries where their predecessors could watch people at work and gradually mature into understanding of the adult world, which made them known to the workmen and perhaps be offered a job when they left school at 14. Without such opportunities, some now find vandalism the most interesting activity. But back gardens open up all sorts of possibilities such as growing flowers and food, pitching tents, playing on trampolines, digging a goldfish pool, erecting a carpentry shed, etc., etc. These things promote more individual development and lead to greater self-confidence, so friends are more likely to explore a wider neighbourhood instead of hanging about the estate and committing mayhem.

Double loaded blocks cannot have both front and back gardens but the ground-floor flats should have their front entrance on the outside instead of into the burglar-prone internal corridor. Where possible the corridor should be divided up to give an extra storage cupboard for each flat but this could not be done on the Mozart Estate as there were pipes and cable beneath its floor, requiring through access. Instead the individual corridor doors were bricked up.

Upstairs tenants may feel that all this attention to quasi-houses is unfair to them as they have no gardens. But the Nazareth Estate in Birmingham had provided such outdoor plots, none of which was worked, leaving them all to brambles and rubbish dumping. DICE did not support allocating ground that does not lead directly out of the dwelling but preferred to see allotments, which are taken up only by the genuinely keen.

Common entrances to upper floors often lack a front fence and gate, leaving a small confused space which is especially bad if the entrance has no door. Continuing the fence line of the quasi-houses across the communal entry turns the confused space into semi-public space and prevents incursions by hooligans. We advocated that any keen gardener living upstairs should have a raised flower-bed to tend along one side of this semi-public space.

Under-Block Garages and Car-Parks: Many blocks have no ground-floor dwellings to become quasi-houses, and upstairs tenants cannot control misbehaviour below. Garages and open areas between supporting pillars are not safe for cars, as the tenants cannot see them. Noisy youths under the block may poke up sticks to disturb the flats above. DICE therefore used these ground levels for new dwellings, for example in the Nottingham and Mozart Estates.

The Nottingham estate was built on an old railway embankment with garages on the downslope side and the entrances to small one-floor flats on the upslope side, with larger ones above, a stupid design placing families with children upstairs. DICE enlarged the small flats by incorporating the two garages below each one, with a staircase down to a new entrance and living room. A small fenced front garden was added and parking spaces were provided opposite where cars could be seen from the windows and were safer. These dwellings could then accommodate children. Their original front doors were sealed, leaving fewer entrances on the upslope side, which made it easier for the upstairs tenants to get to know each other.

Mozart had garages on one side of internal-corridor blocks, fronting a wide paved area before the road. Some were made new entrances serving upper half-blocks but other pairs became a bedroom and bathroom for small new old people's dwellings. The kitchen and living room were separated from the garage rooms by a short corridor to leave the latter with windows.

Other New Houses: These were built wherever possible, e.g. on greens and garage-court sites. The present "reform" still thinks greens sacrosanct but as they were the strongest cause of a high crime level, DICE used them for new houses wherever possible, tackling the mistaken low-density notion, and restricting green space to parks and playing fields where they are beneficial. DICE also restored pre-planning "island-site" layouts with four boundary roads, out-facing front gardens, corner houses not end houses and back gardens abutting each other in the interior.

Thus, Margaret Thatcher's DICE Project was a housing-shortage solution that offended no-one apart from planners. It avoided the protests against the present reform and reduced the crime rate. The DOE Secretary of State, Nicholas Ridley, wanted me to continue improving problem estates to end the housing shortage and slash the crime rate – a wonderful prospect.

But Michael Heseltine's challenge to Margaret Thatcher drove her to resign and he became the DOE Secretary of State, intent on ousting her DICE Project. He confiscated nearly £10 million of the promised funding, which prevented the scientific comparison of improved and unimproved blocks. The police were ordered not to give me any crime figures and my police-training sessions abruptly ceased. This meant that millions of people who could have been spared crime, must still suffer it. Heseltine's civil servants produced a negative report on DICE, which was unscientific in six ways, e.g. instead of

comparing *blocks* with the same scores they compared unlike *estates*. The Nottingham estate, with no houses till we built some, was compared with one with 156 houses, and as most houses are better than flats this discredited DICE falsely.

And there was still worse to come when Tony Blair tried to end the housing shortage. He went quite the wrong way about it, insisting that the green space proportion of new building sites should remain sacrosanct, while cramming in more new dwellings. This left two options – unpleasantly tiny new houses or taller blocks of flats.[14] I know of two reputable building firms that could not stomach either alternative and opted out of the housing market. One had given me a silver trophy for my work on design disadvantagement and had me address the meeting at which they presented prizes to winners from each of their many branches. The other had the daughter of one of my colleagues as their in-house solicitor. There may well have been more.

Blair's ruling saw a fivefold increase in the annual number of new flats, leading to a sharp increase in the frequency of crime and in its viciousness. Young criminals now go shooting and killing at random. The 2011 riots seemed to a leading police officer to be a completely new departure but it was only the worsening that could be predicted from Blair's planning "reform", and the Coalition's "reform" seems likely to produce a further large leap in lawlessness.

Recommendation and Conclusion

The problems inherent in the Coalition's reform are more numerous than have been raised by protesters. The concentration on flats will greatly increase crime and the countryside location will accelerate the loss of productive farmland at a time when imported food prices are rapidly rising. Both could all be completely avoided if the constructive DICE re-designing and its urban locations were substituted. Urban councils could donate the green space in their estates for builders to erect houses in return for making DICE-type improvements of what already exists there. Some estates are hugely capacious, e.g. Greenwich's Ferrier Estate with room for 144 new single-family homes, plus a park. But improvements must be strictly DICE-type and not other kinds which have all failed – a sheer waste of money. Southwark's Heygate Estate, for example, is to be rebuilt as blocks with high disadvantagement scores, so crime will persist there.

This concludes an outline analysis of planning's defects in the realm of building design. Its failures in the realm of land use will be covered in Part II, together with an explanation of how there could be a better and freer system than planning control with its multiple problems.

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About the author

Professor Alice Coleman has been interested in planning ever since its 1948 inauguration. When it failed to produce a land use map as factual background for its decisions, she undertook a national survey herself with excellent volunteers. It revealed serious planning errors and little achievement. Planned rebuilding of inner cities generated high crime and much social breakdown and her research into this is reported in the present paper.

Her book, *Utopia on Trial* (1985), was read by the Prime Minister, Margaret Thatcher, who empowered her to change bad designs and bring high crime rates rapidly down. Her work in Canada resulted in an official published book, *The Planning Challenge of the Ottawa Area* (1969), which was presented to every Canadian MP.

(Continued from page 1)

ing in a private capacity, launched successful "raids" on the letters pages of *The Times!*

The SIF website was some years old and becoming tired-looking and unwieldy. During the summer, I created a new version, keeping the old masthead and address of www.individualist.org.uk. There is nothing flashy about it. It is a simple "template and elements" product. However, it maintains its function of keeping us alive in cyberspace and it received thousands of hits in its first month of operation. It even has some photographs! (Am I showing my age by writing about "cyberspace"? I suspect that for many youngsters these days it is a substantial part of their reality.)

* * *

Before moving on, I hope that no one will mind a little self-promotion from Your Editor. Sometime soon will finally see the publication of my book, *Conservative Party Politicians at the Turn of the 20th/21st Centuries: Their Attitudes, Behaviour and Background*. It is what it says it is: a quantitative analysis of the attitudes, behaviour and background of Conservative Party politicians based upon fieldwork done in 2002. It is not a "political" book but is an objective, academic analysis. As such, it is being published by the Civic Education & Research Trust – the SIF's charitable arm – and I am grateful for their support, particularly from CERT trustee – and SIF treasurer – Lucy Ryder.

It should eventually be available from Amazon and other retailers for £55 or thereabouts. Buy it. It will change your life. You will have the book and be £55 poorer. More seriously, as a contribution to academic knowledge, CERT is also funding distribution of free copies of the book to acknowledged specialist academics and libraries.

For those keen to know more about the research project behind the book, the data is available from two sources. It has its own dedicated presence on the website of the Centre for Comparative European Survey Data at www.ccesd.ac.uk/CPRS/ and I am grateful to the CCESD's director, Professor Richard Topf, for creating this. The entire dataset and supporting documentation can be downloaded from the website of the Economic & Social Data Service, a national data archiving and dissemination service, under the title 'Conservative Party Representatives Study' (SN 6552) at www.esds.ac.uk.

* * *

Discussion of things being published brings me to this issue of *The Individual*. Not having produced one since September 2011, and having regard to the hefty document now in their hands, I hope that readers will feel that we have made up lost ground in terms of both quantity and quality.

Let me start with my late friend Richard Garner. With my own book soon out of the way, I hope to be able to turn to a substantial manuscript that he completed shortly before he died. Provisionally titled, *Towards a Property Rights Based Account of Libertarianism*, it is based upon an MPhil that he successfully completed at the University of Nottingham. There is a fair amount of work to do for this project, but I hope to start later in the year. Just before Christmas 2011, I was honoured to be invited by Richard's parents, Jenny and Andy, to the planting of a memorial tree in sight of Birkbeck College where Richard had been a successful student before moving to Nottingham. It was a pleasure to meet them and other members of Richard's family, albeit under such sad circumstances.

We all have our blind spots: "things" that may cause us to deviate from our beliefs because they happen to be personally advantageous. I admit such guilty thoughts when considering Mark Roberts' perfectly correct defence of smokers' rights. No doubt that when the ban on smoking in pubs and so on came into force in the UK in 2006 and 2007 I muttered the usual stuff about "consumer choice". Yet, as a non-smoker who spends perhaps rather too much time in pubs, the result has been personally pleasing! Is there a libertarian equivalent of the Roman Catholic "Three Hail Marys"? In all seriousness, my understanding is that "passive smoking" can cause problems for children, the elderly and those with otherwise compromised respiratory systems. It is merely (potentially) an annoyance for otherwise healthy adults: exactly the sort of people who make up the vast majority of the clientele of those establishments affected by the ban. Mr Roberts makes a profound observation: pubs are where "ordinary" people meet away from the supervision of their "masters". Closing down such places is possibly not an unfortunate side effect of the ban but was intended all along.

In another of his excellent articles, Dr Jeremy Dunning-Davies writes of the freedoms that many of us have taken for granted as our birthright, but which have been seriously eroded. He also writes of, and defends, that now much-reviled notion of "elitism", particularly in education. I shall return to this in a moment…

Turning now to the astonishing articles by David Webb and Professor Alice Coleman... Firstly, yes I was confused as well. Through the Libertarian Alliance, I published something else by Mr Webb earlier in the year. It came to me via Dr Sean Gabb, the director of the LA and a mutual friend. I spent some time thinking that *this* David Webb was the other David Webb with whom Dr Gabb and I had been associated since at least the 1990s and who was the one whose funeral I would later attend in London. They are/were not!

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Mr Webb's article on "oaths" highlights at least two things. In the May 2004 issue of *The Individual,* I wrote an article with the self-explanatory title, 'An Atheist Libertarian's Appreciation of Christianity'. Of course, Christianity is far from being the sole influence on what we think of as "Western" culture. But it is an important one. One of its features has been the transmission of internalised "guilt" rather than externalised "shame" seen in many non-Western cultures. In principle – not always in practice, of course – the former inculcates notions of absolute right and wrong rather than expediency.

Of more immediacy is Mr Webb's contention towards the end of his essay that, "reinterpretation [of oaths] as mere ceremony robs the entire structure of its essential meaning, giving a green light to the technocracy to dissolve our liberties by statute and regulation. The fundamental cultural change facilitating this, however, is the cultural shift away from personal integrity. Whereas the Angles and the Saxons despised oath-breakers, the word and bond of most of us today is worthless." I am not sure if that applies to SIF members who I like to think are a high-minded lot, but I fear that Mr Webb has it right as far as our ruling elites – political and commercial – are concerned

If Mr Webb's article looks at some of the ethical foundations of our society, then Professor Alice Coleman's article looks at foundations – and other structures – more literally. Using her own meticulous research, Professor Coleman details the horrendous impact of post-War utopian planning which took little notice of the reality of human behaviour. She also details how these flaws could be ameliorated, at least until "Whitehall" reasserted control using all manner of dubious "statistics".

"Whitehall" – and this is a code for the mandarinate in general – hates outsiders – e.g. the public – having control. Long-time readers of *The Individual* may remember the remarkable story of the SIF's associated Tell-IT campaign to make more widely available information on the long-term effects of drugs and treatments. To cut a long story short, at one stage the Department of Health was found to be in breach of contract by not giving data to a certain company. An out-of-court settlement stated that the DoH had to pay damages and supply the data that they had withheld. The DoH did not comply with this and preferred to pay damages – using our money collected from taxation – each quarter!

By a coincidence, earlier this year saw the BBC broadcast a fascinating but also anger-inducing TV series, *The Secret History of Our Streets.* It was remarkably politically *incorrect* for the BBC, and its general thesis accorded with Professor Coleman's: the disastrous planning policies of post-War central and local government. There is the apocryphal story of the posh English "gel" brought up snobbishly to despise "trade". Then she went to university, learnt about the supposed wonders of communism, and called it "capitalism" instead. There is more than a hint of this in the saga of post-War planning: architects and planners from privileged backgrounds with little understanding or sympathy with "ordinary" folk, fortified by a legitimating ideology of in-vogue state socialism.

On purely mischievous grounds, my favourite essay in this issue of *The Individual* is my old friend George Maunter's skewering of British "sacred cows". I can guarantee that almost nobody will find it an easy read! Those nodding at his critique of foreign aid to nuclear-armed India will possibly splutter in righteous indignation at his comments about atrocities recently committed by British troops. Those who cheer his analysis of British prudery and hypocrisy may baulk at his jaded look at the grotesque financial black hole that is the NHS.

* * *

I know that I was not the only reader of *The Individual* who found the opening and closing ceremonies of the London 2012 Olympics to be, at least in part, an unpleasant mixture of socialism, multi-culturalism and "diversity". And plain tackiness.

However, "multi-culturalism" – a bad thing – is not the same as "multi-racialism" – a neutral thing. There are good libertarian objections to mass immigration: the strain on physical and economic infrastructure; social dislocation; social impoverishment through the importation of backward beliefs and practices; and political Balkanisation of our country through large numbers of geographically concentrated, unassimilated and sometimes actively hostile aliens. Nevertheless, we should not throw out the baby with the bathwater. When I consider our remarkably talented, remarkably hard-working and remarkably attractive trio of Olympic heptathletes, Jessica Ennis, Katarina Johnson-Thompson and Louise Hazel, all of whom are mixed race, then immigration *per se* is not always a bad thing! More seriously, the pride that black British athletes – and commentators and spectators – such as the female boxer Nicola Adams demonstrated not only in their personal victories but also in their country and even historic counties was unambiguous.

That said, just because we cheered on to victory – and I certainly did – the engaging Somali-born Muslim athlete Mohamed "Mo" Farah, does not mean that everything is now fine and dandy amongst British-born Muslims or the wider Islamic world. We should not project our hopes and fears onto a few, exceptional individuals just as Australians should not have done with the Aboriginal athlete Cathy Freeman at the Sydney Olympics in 2000.

Returning to Dr Dunning-Davies' article, is it is not peculiar how the disparagement of "elitism" in (say) education evaporates when considering sport? Who can be more elitist – and, indeed, "unfair" – through a combination of fortunate genetic inheritance and sheer hard work than an Olympic medallist? In any case, the sport itself was often of the highest order: the women's cycling road race that took place in the pouring rain amongst the hills of Surrey and streets of London was the one of the most thrilling things that I have ever seen on TV. (Confession: driving along a narrow Surrey country lane just a day before the cycling started, I nearly ran down the Canadian team as they scouted the area!)

The Olympics revealed – as if it comes as a surprise to any sensible person – another serious point. Any political creed – or at least one that does not intend coming to power at the point of a gun – must incorporate an honest assesment of humanity in at least two ways. First, the lessons that philosophy, literature, history, religion, psychology and so on tell us of enduring truths about human attitudes and behaviour, both in groups and as individuals. Second, there must be an understanding of the facts on the ground, here and now.

Regarding the latter, we live in a world of nations and countries, many of which have existed for centuries or more. Regarding the former, the fevered reaction to the UK's medal winners showed just how "tribal" we are. Studies in my own original field of psychology have demonstrated repeatedly that humans *qua* animals are hard-wired to form in-groups and out-groups. "Us and them", if you prefer. It is an inescapable part of what we are. Political creeds that do not understand or actively reject this such as international socialism, transnationalism more generally – including the European Union – and even the wilder shores of libertarianism are doomed to failure or else can only be kept in place, at least for a time, by force. To say that one is a "nationalist" is to invite sneers in certain libertarian circles. But that is what we are.

However, this honest assesment should not lead us down the blind alley of positively exalting xenophobic nationalism or an attitude of "country before all else". So, Team GB won lots of medals. Well done. But the late and one hopes largely unlamented *Deutsche Demokratische Republik* – East Germany – used to win bucket-loads of the things and it remained what it was: a brutal, authoritarian state.

Alas! Mankind is not perfectible!

Dr Nigel G. Meek

Family and academic colleagues of Richard Garner gather during the planting of a memorial tree at Birkbeck College, London, December 2011.

Jenny Garner is the lady in the hat and Andy is the gentleman at the front. Photo by Dr Nigel G. Meek

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