

# THE INDIVIDUAL

Newsletter of the Society for Individual Freedom

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## FORTHCOMING MEETINGS

### Homosexuality and Freedom

will be the topic on Wednesday 30 October at 6.00 for 6.30p.m. in the upper room of the Red Lion, Parliament Street. The speaker will be Tim Barnett, Director of Stonewall (the gay lobby established by Sir Ian McKellan).

### Freedom, Rights, the Law and Europe

will be the topic on Wednesday 27 November at 6.30p.m. in the upper room of the Red Lion, Parliament Street. The speaker will be Peter Ashman, Legal Officer of Justice (the British Section of the International Commission of Jurists). His talk will be preceded at 6.00p.m. sharp in the same room by the Annual General Meeting for 1990-91. Further information about the AGM is enclosed for members of the Society.

### A luncheon in the House of Lords

will be held on Wednesday 15 January, 1992. It is hoped that Peter Shore MP will be the speaker. Details will be sent to members before Christmas; some members living outside London might like to combine this luncheon with a visit to the sales!

### John Donne versus John Stuart Mill

is the title of the talk to be given on Wednesday 29 January at 6.00 for 6.30p.m. in the Red Lion by Matthew Parris, author, political commentator and former Conservative MP.

### Islam and the Freedom of the Individual

will be the topic on Wednesday 29 April at 6.00 for 6.30pm at a place to be arranged. The speaker will be Dr Zaki Badawi, Principal of the Muslim College.

### Does it any longer make sense to talk about 'the Free World'?

will be the topic on Wednesday 24 June at 6.00 for 6.30pm at a place to be arranged. The speaker will be Professor Kenneth Minogue, of the London School of Economics and Political Science.

## **ACCESS TO INFORMATION ABOUT ACTIONS BY THE SOCIAL SERVICES**

Everyone who deals with the Social Services on their own behalf or on behalf of others - relations, friends or clients - is liable to find that at crucial stages adequate information about the reasons important decisions were made is not provided. Lack of information is very often the reason why problems have not been resolved long before people are desperate and driven to seek help from MPs, Ombudsmen, specialist advisors and organisations such as the Society. The following cases are examples of these difficulties.

### **Case 1**

A mentally handicapped young adult in care had nine teeth extracted in direct opposition to the wishes of the parents who had always supervised their daughter's dental treatments. For 5 long years they exhausted every avenue in an unsuccessful attempt to discover the reasons and who was responsible for such actions.

### **Case 2**

A lady suffering from Parkinson's disease was living in a nursing home with her husband. She was taken to a psychiatric hospital. The husband was not informed of the true reason. She was given treatment without permission and found in appalling conditions and distressed. Neither the husband nor their legal advisor have been able to find the nature of the treatment. She suffered a stroke and died two weeks later.

An answer to this problem has been proposed by the Society's Treasurer, Miss L S I Ryder, who is a barrister. This is in the form of a draft Bill which would result in an individual being able to appoint an Independent Scrutineer with the right to obtain such information.

Several Members of Parliament are interested in this Bill which would provide a swift solution of the problem.

To test parliamentary opinion, Peter Rost, MP, is tabling an Early Day Motion

on the topic. An Early Day Motion is a text which is not actually debated but which enables MPs to show support for a point of view by signing it. In the present case the more MPs who sign the Motion, the more likely it is that the MPs sponsoring it will go ahead with presenting the Bill. Members of the Society interested in this issue are invited to write to their MPs urging them to sign the Early Day Motion; please ask your friends to do the same. The Motion is likely to be in these terms:

That this House is concerned at the difficulties experienced in obtaining information by individuals in respect of actions taken by the Social Services with regard to themselves or their family or also their medical treatment, when they request such information and urges the Government to make provision to ensure that answers are provided in a prompt, accurate and comprehensive form.

## **A MEMBER'S GENEROSITY**

The Society's Committee are delighted to thank Mr Peter H Curry for his very generous donation of £1,000 to forward the Society's campaigning efforts. In his letter with the gift Mr Curry said that he was prompted by the news that starting on 1 July - Free Enterprise Day! - back-seat passengers are to be required to wear seat-belts under threat of a £100 fine and the promise that the police will enforce the law. Mr Curry emphasised that what hurt most of all was that the seat-belt laws, not to mention many other oppressive and heartbreaking laws, were made under the Conservatives, who were supposed to stand for freedom. He is right: very sadly, freedom has few friends in Parliament. Would that this country had a powerful Libertarian Party!

## **WHAT DO YOU THINK?**

The production of laws has been very

considerable during the period since the Conservatives returned to power in May 1979: on average each year has seen about 56 Public General Acts of Parliament (over 2,000 pages) and almost 2,000 statutory instruments (over 6,000 pages). Many of these texts are, of course, routine measures for giving effect to legislation or for applying desirable decisions (e.g. on privatisation) but undoubtedly the majority of them consolidate or even extend the powers of public authorities or increase central control of local government.

Readers are invited to say what changes in Law and policy since May 1979 they regard as best or worst from the standpoint of individual freedom. Please say which five changes seem best, which five seem worst, and also which five changes you would most like to see before 2000 (excluding the reversal of undesirable changes made since May 1979). There is no need to cite specific Acts of Parliament or statutory instruments: it is the nature of the changes you welcome or detest or would like to see that is of interest. Please write to the editor at the Society's address: 56 Britton Street, London, EC1M 5NA

### **FREEDOM FOR OBSCENE PUBLICATIONS?**

This was the topic of the talk on 23 October 1990 given by David Webb, Honorary Director of the National Campaign for the Reform of the Obscene Publications Acts. Here is a summary of his remarks.

The Campaign was established in 1976 after the acquittal of the publisher of *Inside Linda Lovelace*, a novel based on the film *Deep Throat*. Like many trials for obscenity this one was costly for the public purse, good publicity for the book and profitable for its publisher. In the following years many countries have

relaxed their laws on obscene publications but Britain has strengthened hers by the Indecent Displays (Control) Act (1981), the Cinematograph (Amendment) Act (1982), the Local Government (Miscellaneous Provisions) Act (1982), the Video Recordings Act (1984) and the Broadcasting Act (1990). British concern about 'obscenity' and 'indecentry' is associated with the widespread view that sexual behaviour is inherently dirty and disgusting - and also with a tendency towards hypocrisy. Countless prosecutions show that although Mrs Thatcher was right to say on 31 October 1989 that "freedom of expression is a fundamental part of a free society" she was wrong to say 'We're way ahead of most other countries in our liberty, in our freedom, in our openness'. This is not a matter of party politics: Labour MPs have recently sponsored bills to stop newspapers from publishing 'page 3' photographs of women and to limit very repressively the location and sale of publications that some people consider pornographic. Some feminists want to suppress completely sexual material involving women unless it conforms strictly to their stringent criteria.

Yet interest in sex is perfectly natural and instinctive, like the interest in food. Sexually explicit books are no worse than cookery books and books extolling gastronomic pleasures. The latter are not banned because people may overeat with harmful consequences; why should the former, which are mostly used as a stimulus, to achieving orgasm by masturbation? Experience abroad has shown that the removal of legal censorship restraints on sexually explicit material does not lead to an increase in sexual crime.

Freedom of expression does not include the right to cause real proven harm but it does include the right to offend - if nothing can be

said or visually depicted that might offend somebody then hardly anything could be said or shown. It is sometimes a very good thing to offend - and often even necessary.

### **MORAL IGNORANCE - THE BASIS OF COMMUNISM**

This was the theme of the talk given by David Wedgwood on 25 July 1990. Here is his summary.

'The world is round' was an outrageous truth in its day. 'If Heaven is up there and Hell down there, it cannot be round and solid', was yesterday's invincible ignorance.

'Ever since man's division of labour, slums were where the unfit, by natural (market) selection, died of starvation and disease. This was the excretory mechanism of every healthy and progressive society.' This is today's outrageous truth. 'Man has now risen ABOVE animals' is a self-esteem illusion, today's invincible ignorance (nothing can be more than what it is).

Philosophers, politicians and 'The Media' gain popularity by obfuscating, with popular nonsense, the cognitive dissonance some truths generate. One popular nonsense is the view that compassion is enforceable by government taxation i.e. the welfare state.

Another obfuscation that might have already occurred to you is that the 'market' that I referred to is a human creation. Firstly the market is the essence of natural selection. If there is a surplus supply of green fly, then there is a demand for ladybirds, which flourish. Supply and demand is the essence of the market. Secondly, man is a thing of nature, so everything he is and does is part of nature. Denial of this is a statement of acceptance that man is above nature i.e. supernatural, which I cannot accept. This also brings us back to self-esteem,

which philosophers, politicians and 'the media' massage to obtain power and profit. Man is an animal, and nothing more.

"You can fool all of the people some of the time and some of the people all of the time." All the people were fooled into accepting that the world was flat. This ignorance was invincible for a long time. Human rights to the welfare state are genetically decadent, economically decadent (all rights reduce freedom of contract) but above all morally decadent. The proud struggling poor become lazy welfare scroungers (and thieves) and the compassion of the rich, not being stimulated by abject poverty, turns to hate of those lazy welfare scroungers. All the people have been fooled into accepting ignorance of this truth for a long time. The time will come when this ignorance ceases to be invincible.

The economic ignorance with underlies communism is no longer invincible in the USSR and enlightenment spread remarkably quickly. The problem is that the moral ignorance, which also underlies communism remains invincible, because it also underlies human rights to welfare.

### **ORDER AS THE BEDROCK OF FREEDOM**

This was the theme of the talk given by Professor David Marsland on 26 September 1990. Here is a summary; the full text appears in *The Salisbury Review*, September 1991.

Since 1979 substantial progress away from collectivism has been achieved. There is a long way still to go on the road to freedom, particularly in regard to dismantling the welfare state, but we have abandoned the road to serfdom. There is, however, a grave threat that our freedom might easily be lost unless we recognise

that freedom pre-supposes order and that our liberties rest on a bedrock of values and institutions that need defending.

Everyone who is committed in principle to freedom, should acknowledge the indispensable need for order in society, speak up for those who defend it, and campaign actively against those who mischievously subvert it. For unless we defend good order against those who demand more rights without commensurate responsibilities, the democratic societies of the Free World will be overwhelmed by decadent licence, and our liberties will be snuffed out by authoritarian rule. The order which liberty depends on requires defence at four different levels: national security; internal law and order; sub-cultural deviance and fundamental values.

First, the Free World has done well to keep up its defences until the communist enemy has surrendered. Nor should we relax now. We should continue to maintain a powerful defensive posture against whatever enemy - of Britain and of freedom - may appear.

Second, law and order, and the forces which maintain them, should receive active support from lovers of freedom. The system of law and order in free societies should be powerful, coherent and effective.

Third, we should resist deviance. In combination with the unrelenting, unresisted pressure since the nineteen-sixties for the continuous expansion of rights, the idea that variations in human conduct should be judged purely relatively, in terms as it were of their aesthetic contribution to the infinite mosaic of kaleidoscopic lifestyles which democratic culture supposedly comprises, has done serious damage to the orderliness of social relations without which freedom is not easily assured. Pluralism is one thing: a

*smorgasbord* of subcultural incoherence is quite another. In sexual orientations and relations, family structures, religious beliefs, attitudes to work, concepts of money, educational standards, ethics and morals, concepts of Britain's past and Britain's future, across the board, we have fooled ourselves into believing that anything or almost anything goes.

It seems to me, then, that one important aspect of the social order upon which freedom unavoidably trades is a certain modest limitation - considerably beyond what is legally prohibited, but modest nonetheless - on the range of customarily allowable conduct, and a degree of reliable conformity by the whole population with the ordinary patterns of normal conduct thus prescribed. Within the limits of this consensual order and within the parameters of this conformity, genuine freedom allows for variation and innovation sufficient to satisfy all but obsessive antinomians and professional mischief-makers.

Fourth, honesty, hard work, humility, competitive aspiration, prudence, self-reliance, enterprising initiative - we might each make a long list of our basic values. There would be differences, and even some conflict, between the lists, but I suspect there would be a crucial common core. To transmit these values is the business of families and schools. We must no longer tolerate weakened and deformed families; schools must again undertake their task of civilising barbarians. However, the moral order cannot bind children and young people if adults can escape its liberating control. Here the media are crucial. Their role in subverting the moral order on which freedom in Britain entirely depends can hardly be overstated. The current bill on balance in television should be the beginning of really radical reform.

The free society is characterised by democracy, capitalism and personal freedom. All three stand on the indispensable bedrock constituted by territorial, legal, social, and moral order. Wherever order in any of these four spheres is substantially weakened, democracy, capitalism, personal freedom cannot long or easily survive.

## THE ABOLITION OF INCOME TAX

This was the topic of the talk given by Dr Barry Bracewell-Milnes on 28 November 1990

The Institute of Directors had published a paper earlier in the autumn under the title *Continuing Tax Reform: A Long-term Strategy for Government Spending and Taxation*. He had been the principal author of this paper, which was full book length.

The theme of the paper was that not only taxes on capital but also taxes on income were voluntary, in the sense that they could be abolished over a generation or less even at existing or higher levels of government spending, if only the will were there. This argument was costed in the paper in detail.

It was an apparent paradox that the tax burden, as measured by the ratio of total tax revenue to gross domestic product, had risen by about half a percentage point per year since the present Government had come to power. How was this possible when the Government had reduced many tax rates, including the basic rate of income tax from 33 to 25 per cent?

The answer was that a number of 'disproportionalities' were built into the tax system to the advantage of the Treasury: as gross domestic product grew, total tax revenue grew faster. There were a number of different reasons for this. Perhaps the most important was that income tax allowances were indexed for inflation but not for

earnings: as 'real' (or inflation-adjusted) earnings rose, a smaller proportion of earned incomes was covered by allowances such as the single person's or married man's allowances and a larger proportion was subject to the basic and higher rates of income tax. This phenomenon of disproportionality was sometimes known as 'fiscal drag', because it acted as a drag on the economy unless counteracted.

Fiscal drag was big money and was acknowledged as such by the Treasury. In a normal year it might be conservatively estimated at £1 billion to £2 billion. (A penny off the basic rate of income tax costs about £2 billion.) In a year of high growth fiscal drag was worth much more: it was estimated at £6 billion by Nigel Lawson in his Budget speech of 1988.

The way the political and parliamentary system worked was that the proceeds of fiscal drag were mostly absorbed by the government to increase its spending or redeem its debt. That was what had happened since 1979. That was why the tax burden had risen since 1979 by about 5 per centage points, from some 32 to 37 per cent. This was a heavy increase in tax burden for the large majority of the population and was an additional cost of £500 a year to someone with a typical present income of £10,000.

Under present institutions, the taxpayer always came last in the queue. The proceeds of growth in the tax base were largely appropriated by the government in taxation. Lobbies for additional government spending were allowed to dominate the scene and the interests of the taxpayer were neglected. A major ingredient in the correction of this state of affairs would be a growing recognition of the truth that, over a period of a generation or less, taxes on income and especially capital were not necessary evils but wounds self-

inflicted by the body politic on the economy and society.

**Continuing Tax Reform** is published by the Institute of Directors, 116 Pall Mall, London SW1Y 5ED; price £15.00.

### ARE YOU GUY FAWKES?

According to Charles Moore in *The Spectator* (5 October) from November onwards any policeman authorised by his Chief Constable 'can walk through your front door ... if he has "reasonable suspicion" that you possess explosives. It is not illegal to possess explosives such as a firework or a shotgun cartridge, so you can be "reasonably suspected" of doing nothing wrong and yet find a constable in your hall. Not only in your hall, of course, but all over your house - he can search as widely as he wants. If the constable is not pleased he can require you to leave your house. He can also ask questions of your wife and arrest her if she refuses to answer'.

These powers are conferred by Statutory Instrument 1991 no 1531 - the Control of Explosives Order. Under the Explosives Act of 1875, extended in 1974, Health and Safety Executive explosives inspectors can do whatever is necessary for the control of explosives. The new instrument empowers each Chief Constable to appoint his own policemen as inspectors.

The instrument seems to be part of Home Office policy on the private ownership of shotguns. If you own a shotgun the police can have 'reasonable suspicion' that you possess explosives and can use their new power to harass you into giving up your shotgun, just as many forces have tended to harass other categories of the population - youngsters, blacks, motorists (some forces have applied breath-testing

in ways beyond their lawful powers) or men walking alone along towpaths (suspected of being homosexuals looking for partners). Moore points out that 'since the post-Hungerford massacre Firearms Act of 1988, 150,000 of the 800,000 shotgun licences in Britain have not been renewed, so expensive wearisome and intrusive are the new regulations' concerning renewal. He adds that Michael Ryan, the Hungerford Killer, owned his shotgun illegally under the then law, and that despite the 1988 Act the number of robberies involving firearms in London was 1,811, compared with only four in 1954, when there was no stringent control of shotguns.

As so often, a government department's policy involves well-intentioned but ineffective controls that extend the power of the police or other authorities to harass people and to invade their homes. Panic caused by some tragic incident or moral indignation induces Parliament to 'pass a law about it' without principled concern for our freedom or without adequate consideration of practicalities. The law is implemented by statutory instruments which are scrutinised even less effectively by Parliament than is the average Bill. In recent years this sort of behaviour has been seen in regard to many topics, such as firearms, road safety, public order, obscene publications and video recordings. On some of these matters Chief Constables and/or the Police Federation have often sought fresh powers - and have often taken them informally (for example, the police have long used a non-legal sanction in dealing with a variety of offences, including quite trivial traffic offences and sexual offences: they notify the employers even when the offence is completely irrelevant to the kind of job the alleged offender has). It will be interesting to see how many MPs are sufficiently concerned about

freedom to seek to have the instrument debated and get the government to think again.

## MONICA DAY

As many members will know already, Mrs Monica Day died on 9 October 1990. For many years until she retired in July 1982 she was a devoted and energetic member of the Society. To call her our Secretary would be to diminish her actual role for she readily stepped in to give help wherever it was needed. Her kindness, enthusiasm and vigour were of immense value to the Society. She brought it a special strength for she

was particularly concerned about individual cases of people whose freedom or rights had been violated - or seemed to have been violated for inevitably a society known to be helpful attracts misguided or even unscrupulous applicants as well as genuine ones; she did a great deal to try to help the genuine and to sift the mistaken and the false. Very sadly her last years were marked by continuing pain and a series of operations which severely tested even her indomitable spirit. She will be remembered with warm affection and great gratitude by all of us who knew her. We extend our sympathy to Mr Henry Day and their children.

## BOOKS

by Rodney Atkinson

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### *CONSERVATISM IN DANGER* (£4.50)

*Six Pillars of Conservatism Undermined*

"If the Government wants to know what needs to be done Ministers should read Rodney Atkinson's *Conservatism in Danger*"

Professor Norman Stone, *Sunday Times*

### *THE FAILURE OF THE STATE* (£6.00)

*The Democratic Costs of Government*

"Atkinson's latest box of intellectual fireworks" Lord Harris of High Cross

"Closely and cleverly reasoned" Matthew Parris of *The Times*

"As acute, witty and well documented as ever" *Encounter*

### *THE EMANCIPATED SOCIETY* (£10.95)

*State Authority and Individual Freedom*

"A powerful argument" Dr. John Gray, Oxford

"Brilliant" Professor Norman Barry, Buckingham

"A unique and refreshing defence of liberty" Laissez Faire Books, New York

### *GOVERNMENT AGAINST THE PEOPLE* (£6.00)

"Excellent, fascinating" Nobel Laureate Milton Friedman

"Excellent, devastating" George Gilder

"Excessive Government expertly diagnosed" Professor Norman Barry

### *A RETURN TO THE REGIONS* (£4.00)

"A devastating historical analysis of the costs and effects of Regional policy."

*London Evening Standard*