

Post-modern censorship in an age of freedom

Ever since John Stuart Mill's *On Liberty*, there has been a consensus in Western societies that we should be free to think what we will, and to utter our thoughts when no harm ensues from doing so. At the same time, partly because nobody knows what we mean or ought to mean by 'harm', this consensus has begun to break down. A few years ago it would have been obvious that pornographic or excessively violent images should be forbidden, and that there was no right, either in morality or in law, to stir up hatred towards lawful groups or private individuals. It would also have been obvious that, within those limits, it should not be permissible to prevent people from advocating views, however erroneous or obnoxious, in the context of reasoned public debate. None of that seems obvious now. Not only are the media saturated with violent and pornographic images, not only are witch-hunts of groups and individuals an increasingly common feature of media 'campaigns', but censorship is also rife, often directed not merely at rival views, but at the life-styles and commitments which are associated with them. To many people it now seems as though what ought to be forbidden is permitted, while what ought to be permitted is either persecuted or silenced.

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It is generally assumed today that religion will always try to muzzle science, as it muzzled Galileo. In fact the muzzling is mutual. Emmanuel City Technical College teaches that life resulted from a creative intervention by a benevolent God. For Professor Richard Dawkins, however, the teaching of creationism is such a scandal that the school ought to be compelled to introduce alternative lessons in Darwinian orthodoxy, and the newspapers have taken up the cry. Yet surely it shows disrespect for science to believe that it must be imposed as an orthodoxy or ring-fenced by censors. The essence of science is free enquiry, proceeding by hypothesis and refutation. One good way to begin a scientific career is by stuffing one's mind with easily refutable falsehoods, and watching them crumble before the facts.

Censorship takes three standard forms. There is direct censorship, as practised by the BBC and other broadcast channels when, obliged by electoral law to give time to ProLife — a party campaigning against abortion — they refused to screen the party's images. There is the indirect censorship practised by those who withhold permission for lawful meetings: thus the Bristol police force has this year refused permission to the local Scouts Association to hold its annual St George's Day parade, on the grounds that they could not 'guarantee the safety of the

children'. The third kind of censorship involves labelling unwelcome views with a 'hate' label, as a warning to those who might otherwise be tempted to express them. The use of 'racism', 'fascism' and 'sexism', in order to forbid unwelcome discussions, is a familiar feature of modern societies. It is now also difficult to have an open discussion of homosexuality, without someone involved being charged with 'homophobia'.

There is a fourth and more subtle method of censorship, of growing importance in modern societies, which is the creation of a climate of fear. A subject of discussion is first transformed into a two-sided, 'pro and contra', conflict. The unwelcome side is then demonised, its attempts to open a discussion are dismissed or ignored, and a stance of 'non-negotiable opposition' is adopted, with virtue on one side, vice on the other. Nick Cohen is trenchantly critical of the latest campaign by 'Liberty' to remove parliamentary privilege following politically incorrect remarks made by an MP about one of his constituents. This is also how the hunting 'debate' has proceeded — and we carry an article from Jim Barrington, formerly Executive Director of the League Against Cruel Sports, illustrating the method, which is precisely

one of silencing all real debate. The tobacco question has been treated similarly. An industry on which governments depend for much of their tax revenue has been silenced, by a culture of intimidation that has closed off all rational debate about its product.

This demonization has severely affected our sponsor, JT International, which is why JTI has supported this Briefing, and the associated attempt to encourage public discussion of risk, responsibility and freedom. And, it has now affected our editor. By way of illustration we enclose some recent correspondence between our sponsor and Clive Bates, of the publicly-funded witch-burning institute called ASH, in which Mr Bates, with a self-righteous malice worthy of the good citizens of Salem, eagerly explores the paths of punishment.

Our brief is not to dwell on the pathology of closed minds, but to initiate discussion among minds that are open. We therefore carry Petronella Wyatt's reflections on the body cult, presented at one of our recent events. Deep-down, Ms Wyatt argues, attitudes to the body exemplify our posture towards the world. To act freely, responsibly and honestly means overcoming narcissistic self-regard. And it is this self-regard, surely, which tries to defend itself from the moral reality of others, by ensuring that they have no voice of their own.

Our theme

The sound of silence

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The Culture of the Self by Petronella Wyatt

When I was a girl I would return home from school to be asked by my father, "Did you win today?" I found this question supremely annoying. Not only because it was intrinsically misleading, but because he asked it every day without fail. I'd say that the most irritating question I get asked today — apart from "why aren't you married, are you a lesbian?" — is "Are you happy?" I am asked this incessantly. My standard reply is "I was until you asked."

People used to enquire about your health or the weather. Now they pry into your emotional well-being. In the modern world, nothing — not hunger, not illness, perhaps not even death — is judged to be more terrible than personal unhappiness. The Declaration of Independence enshrined 'the pursuit of happiness' as a right, the 21st century has dispensed with the proviso. Happiness *itself* has become a right, one no less inalienable, for instance, than the right to universal benefits. You might say we were living in a 'happiness dependency' culture.

This culture inspires whole industries, including the medical and the pseudo-medical. One of its aims is the perfection of personal appearance. I don't mean the old-fashioned idea of being relatively clean and smartly dressed, but the insistence that we attain unrealistic heights of physical beauty or be relegated to a life of loneliness or worthlessness. I cannot open a magazine or tabloid spread without being told not only how I *can* look better, but that I *must* look better. An extraordinary industry has evolved in response to the beauty cult, from face creams to plastic surgeons, via such devices as botox — a poison that paralyses your facial muscles so that you can't get frown lines.

Attached to the new idea of physical perfection is the insistence that, emotionally, we must be up in the stratosphere like Mary Poppins. Of course there are genuine cases of distress and mental illness. But I am amazed how easily doctors pander to the illusion that happiness is both a right and a need. About three years ago I went to my doctor and told him I was feeling a bit grotty. I said, half jokingly, "what about some Prozac?" To my astonishment he at once replied, "Okay, I'll give you an anti-depressant from the same family. There will be side affects, possible nausea, terrible headaches, insomnia, stomach upsets and it's difficult coming off them. But I'm sure you'll feel happier." I made my excuses and left.

The turn of an old century and the start of a new one, for reasons which have never been satisfactorily explained, are often characterised by gusts of sensibility and outbreaks of trembling passion — not merely of the sexual sort. So it was with the late 18th century and early 19th century romantic movement. Rousseau acknowledged restraint only to dismiss it. "Of what weight is that against my personal desires?" Those overly influenced by that kind of thinking, like Lady Caroline Lamb, rushed about pursuing emotional happiness until it ruined them.

In those days, though, only sections of

intellectual and aristocratic society were affected by this cult of the self.

Today the cult is restrained by no social or economic barriers, and it is doing irreparable damage to the fabric of British Society. The young grow up to believe that personal happiness supersedes the traditional requirements of the social contract. It is no wonder then that, like the late Princess of Wales, many of them are so miserable. For the cult of the self actually takes away as many pleasures as it pretends to bestow. Never have we been more scared of dying, more ill-equipped to take risks or more averse to the difficulties that we ought, for the sake of others as well as ourselves, to be facing.

When my father was dying of throat cancer, he faced it with resignation and tried to be cheerful to avoid distressing his family. He did not crawl into a hole and think only of himself. He was still a husband, a father and an employer, with a responsibility towards others.

It was Bertrand Russell who, in *The Conquest of Happiness*, written in 1938, warned against the growth of what he called "self-centred passions". In society a person is only able to achieve some sort of satisfaction if his or her passions are directed outward, not inward. It should be our aim, therefore, to lose self-indulgence and instead acquire "those affections and interests which will prevent our thoughts dwelling perpetually on ourselves."

Among those self-centred passions, two of the most common are self-admiration and self-pity. Most celebrities today possess both to a high degree. No wonder so many of the so-called stars who appear in *Hello* and *OK*, often seem frustrated. Vanity, when it passes beyond a point, inevitably turns to boredom. Then there is the self-pity of the modern celebrity who drones on about how much he or she has suffered. The kind of ill-treatment of which these people complain — persecution, in particular — does, undoubtedly occur. What in the end arouses the listeners' suspicion is the multiplicity of villains with which it has been the sufferer's misfortune to meet.

Besides, what is wrong with a dose of unhappiness? Who will speak up for misery? Unhappiness should be seen as a necessary seasoning, a spur to achievement. It is only through suffering that we learn. Napoleon, for example, suffered at school from feeling inferior to his classmates, who were rich aristocrats, while he was a poor scholarship boy. When he allowed the return of the Émigrés he had the satisfaction of seeing his former school-fellows bowing down before him. But he had to conquer France to do it. I am not suggesting that any of us go that far. Unhappiness may not be greatness, however, but it may inspire it. Besides, being happy never made anyone happy for very long. If that seems a contradiction, just remember Freud's remark, 'that it is only in logic, not in life, that contradictions cannot exist'.

Petronella Wyatt is Deputy Editor of the *Spectator*. These thoughts were presented to a discussion forum sponsored by JT International on 25/9/01

Nick Cohen Finds a danger to liberty in 'Liberty'

Free Speech in Parliament

The European Court of Human Rights will soon decide whether MPs can continue to speak without fear of the consequences....The case for forcing elected representatives to bite their tongues and keep their lips buttoned is being brought by Liberty (formerly the National Council for Civil Liberties). Its behaviour is the best example to hand of an intractable liberal folly: the delusion that freedom can exist only when it is inspected by barristers, challenged in the High Court, defined by 'impartial' judges and revised by the Court of Appeal. As ever, the best of intentions pave the road.

On 17 July 1996, Michael Stern, who was then the Tory MP for Bristol North-West, piled into one of his constituents. He told the Commons that he had received complaints about Louisa McNeil and her children from her neighbours for two years... Stern is a white, middle-class male, and a Tory to boot. McNeil is a black, working-class woman. You don't need to know the liberal left intimately to guess who Liberty would prefer to support...

Stern could say what he wanted, because Article 9 of the 1689 Bill of Rights reads: 'The freedom of speech, and debates on proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.' Parliamentary privilege is not confined to the former colonies of the British empire: all European democracies have a version of Article 9.

At the very least, you might expect Liberty to be able to say that Stern was a proven liar whose outrageous denigration of an innocent woman nullified 300 years of free speech. But its breezy spokesman told me that the truth or falsity of Stern's accusations was neither here nor there. He couldn't say for certain if the MP had got all of his facts hopelessly wrong, but wasn't over-bothered by that. What mattered was that there was no court or tribunal which might force Stern to admit he was mistaken and vindicate McNeil...

A privilege is, by definition, unavailable to everyone. It therefore offends simplistic notions of equality before the law. But MPs are unlike everyone else. They are our elected representatives. They can, and occasionally are, the only people in public positions to whom abused citizens can turn when all other doors are shut in their faces. MPs' freedom allows them to publicise scandals that others can't or won't touch... Maybe McNeil was right to say that she was traduced by a privileged man. You can sympathise with her, but still believe that the cure Liberty seeks is worse than the disease. Freedom includes the freedom to make mistakes.

The full version of this article appeared in the *New Statesman* 18/3/02. Nick Cohen writes for *The Observer* and the *New Statesman*.

Out of League

How Jim Barrington found himself denied a platform

Publicly changing your stand on a controversial issue, after having spent almost 25 years being closely involved with a campaign, is not easy. As Executive Director of the League Against Cruel Sports, I was expected to know and understand the intricacies of hunting with dogs. In trying to learn more about the activity, it became clear to me that this was an issue much more complex than many would care to admit. Though hunting obviously causes a degree of suffering, the alternative methods could cause even more suffering.

When I first mentioned to a committee member that there might be worth co-operating with hunting people on certain issues to benefit animal welfare, I was advised to keep the thought to myself. When others in the League also tried to raise difficult issues for discussion, they too were told to keep quiet. I contributed to two articles to *The Field* magazine which, so I believed, put the League's case in a thoughtful manner. I argued for changes in hunting practices which might have been better for both the quarry and hunting itself. The response was explosive. Eventually, I and other officials were forced out of the League. We formed a charity called Wildlife Network to improve animal welfare standards and to avoid the pitfalls of a simple ban.

Although some 'antis' welcomed a broader debate, others decided on more direct forms of 'argument' by way of insults, threats and intimidation. Being told to 'watch your back' is not the most comforting of situations, nor is having someone snoop around your property with a camera taking photographs through the letterbox. Letters containing vivid descriptions of what should be done to us started to arrive, such as the one which suggested I 'should spend the rest of my life with the lovely Rosemary West in her Gloucestershire terrace'. A colleague was likened to a paedophile for his 'crime' of taking a different view of hunting. All this from people who claim to be motivated by compassion.

It also became nearly impossible to get our views into the media. On numerous occasions an interview or debate would be arranged, only to be cancelled shortly afterwards, because the anti-hunting representative would pull out of the discussion.

We are subject to a new form of censorship, where the technique is not to forbid opinions, but to forbid debate, lest opinions should change.

Jim Barrington is Secretary for the cross-party Middle Way Group

For how long will the charge of 'racist' remain a silencer?

Tony Blair is the latest victim

We in Britain are familiar with the accusation of racism, as a means of silencing discussion about any matter that threatens the perceived interests of some minority. There is no legal definition of 'racism', no crime, attitude or misdemeanour that it clearly denotes, and consequently no obvious defence against the charge. It suffices to call someone a racist in the right tone of voice for the accusation to stick. Like a spell, the word transforms the person over whom it is pronounced from a normal member of society to a shunned and denigrated outcast. The spell was used against Enoch Powell, in order to prevent the discussion of immigration that he had tried to initiate; it was used against Ray Honeyford, the Bradford Headmaster who had argued for racial integration in our schools, in order to prevent all discussion of what has since become a pressing issue; it has been incorporated by the EU bureaucracy into its catch-all offence of 'racism and xenophobia' where by nationalists, separatists and Euro-sceptics can be not merely prevented from expressing their views, but also extradited to some place where they can be put on trial and silenced.

Most interesting of all is the recent use of the spell by President Thabo Mbeki of South Africa, in order to silence criticisms made by our own Prime Minister of the elections in Zimbabwe. It is, apparently, 'racist' to suggest that violence, intimidation, vote-rigging and racial persecution tend to invalidate an election, when they are conducted by a black leader of a black majority state. An issue of the greatest importance for the future of Africa and the world has been rendered undiscussable. But it is not absurd to suggest that, if the word 'racism' means anything at all, it correctly describes the attitude of those who think that blacks are so incapable of living up to the same moral, legal and political standards as whites that they cannot be criticised when they fail to do so.

most important piece of evidence cited against Ms Roy is an affidavit, brought in rebuttal of the charge, in which she refers to 'a disquieting inclination on the part of the court to silence, criticise and muzzle dissent, to harass and intimidate those who disagree with it'. These words were judged to be *themselves* in contempt of court and Ms Roy, following bizarre hearings from which the press were consistently barred, was sentenced to a day in prison and a fine of 2000 rupees. The sentence can hardly be called severe; but it illustrates a novel kind of censorship, in which criticism of a court is reinterpreted as a contempt of the court's ruling. Ms Roy's real crime, of course, was to promote discussion of a question vital to the future of India, which has been ruled to be undiscussable by the powers that be.

This case was described in full in *The Independent*, 6th March 2002

Should research findings be withheld? Dennis O'Keeffe

In 1995 Prof. Philippe Rushton produced his *Race, Evolution and Behaviour*, published by the distinguished Transaction Press of New Jersey. Some writers, notably Professor Antony Flew, regard this work as having made a major contribution to evolutionary theory. This aspect of the work did not, however, receive much notice, the discussion being concentrated on two research findings, first that blacks are less intelligent and more predatory sexually than whites and secondly that these differences are congenital. This provoked anger but not much by way of substantive attack. And we recognize why. Modern societies are founded on a belief in racial equality, and anything that disturbs that belief or lends ammunition to those who reject it, has the air of dangerous heresy.

Rushton's employer, the University of Western Ontario, did not suspend him as happened to Michael Levin in New York, nor sack him as happened to Chris Brandt in Edinburgh. But it banned him from teaching by any means other than video-taped lectures. He has been punished for his findings, and the effect of this is to send a message to his fellow scholars, that research into race, intelligence and behaviour is unsupportable.

All historical societies prior to the

Enlightenment were founded on religious belief. Heresy was punished, and scientific research censored, in order to maintain the belief-system on which social order was thought to depend. Some people imagine that the Enlightenment changed all that, and that intellectual freedom is now an absolute value which can take precedence over all the claims of social harmony. But clearly, that is naive. Our society is as much founded on unquestionable doctrine as that of Ferdinand and Isabella's Spain. The difference is that the doctrine does not concern the supernatural or the theological, but the observable natural world. Hence, paradoxically, our social doctrine is far more precarious, far more open to refutation than the belief-systems of medieval states.

What should be our response to this? Those of us who work in universities value intellectual freedom; but should we impose this value on the rest of society? Perhaps the best hope is a return to a more theological view of things, in which people vest their need for unquestioned dogma in the supernatural, and once again open the natural world to the eyes of science.

Professor Dennis O'Keeffe is senior research fellow in education at the IEA

such projects, the construction was authorised, with the Supreme Court in Delhi taking the final decision on behalf of a corrupt administration. Ms Roy continued to protest on behalf of those who would lose their homes, and found herself, following a peaceful demonstration outside the Supreme Court, faced with charges of 'contempt of court'. The story is a complex one, but the

A Novel kind of Censorship

In *The Cost of Living*, the novelist Arundhati Roy alerted the world to the environmental and social catastrophe that would follow the construction of the now notorious Narmada dam. Despite all that we now know about

Mob rules OK Censoring Medical Research

Richard D North

Beware: anyone proposing a butchers, restaurant, circus, farm or laboratory may well have to demonstrate that they have paid for a handy and safe arena for the mob at their doorstep. That is the effect of a new and extraordinary weapon which has been handed to the Hate Industry.

In February 2002, the South Cambridgeshire District Council turned down a planning application by the University of Cambridge for a facility to conduct research into brain diseases. This would have involved experiments on marmosets and other primates. Two thousand people were said to have written in to oppose the development.

The Cambridgeshire police told the council that the site was near the junction of two local arterial roads (the Huntingdon Road and the A14) and said that this made it likely that any large scale protests could end up snarling up traffic and endangering the public.

The local authority had asked for the police comment as a consequence of Section 17 of the Crime and Disorder Act 1998. The section's wording is ambiguous. It tells councils to have due regard for the effect of anything they do on crime, and to try to prevent it. One could see that, for a planning department, this might mean paying attention to whether the design of a new estate was likely to provide rat-runs and boltholes for muggers, and so on. But was it intended to imply that an authority was within its rights to block a development merely because mischievous people could use its location to create mayhem?

We won't quickly find an answer to this question unless the university appeals the decision, as it is thinking of doing. The council has said that it isn't against the siting of this research facility on its patch, only on this part of its patch. It says it will

happily work with the university to find an alternative, which the university has reportedly suggested it may not be easy or possible to do.

The police have stressed that they did not say they couldn't or wouldn't police any protest, even at this site, and that they certainly did not ask that the development not go ahead. (The chief constable even wrote that he had personal knowledge of the problem of brain disease, as though his own feelings should have had anything to do with anything.) But the Police Authority, the political custodian of the police, wrote to the council pointing out the colossal expense which its force had already incurred whilst policing the Huntingdon Life Sciences site, also in Cambridgeshire. Endorsing the police comment, the authority gloomily — and, one may say, pointedly — noted that these costs had fallen on local and national tax-payers.

Now of course one can sympathise with all the players in this saga, except the wretched protesters and their thoughtless supporters. **There is only one place properly to protest against animal research: it is Westminster, where policies of this kind are agonised over and determined. But the difficulty remains. Mob protest now looks as though it can succeed both directly and indirectly. It often succeeds in intimidating its prime target. But if it does not, the inconvenience it causes or threatens may achieve the same effect through the planning system and the Crime and Disorder Act.**

Richard D North is a freelance journalist who specializes in environmental matters. This piece is summarized from his paper concerned with *Vicious protest in the UK* submitted as evidence to a US Congress committee. The full report can be found at www.richarddnorth.com

Reverse censorship, the claim by two writers that non-publication and censorship are (in their case) the same. Roger Scruton

Readers of the quality press in Britain will have been struck by two high profile complaints of censorship in recent weeks.

David Marquand, invited to write about Blair's foreign policy in the *London Review of Books*, produced such an encomium that the Review's editor, Mary Kay Wilmers, refused to publish it. And John Lloyd, disgusted at the *New Statesman's* robust refusal to find anything good in President Bush, wrote a damning letter to the editor, only to find that the editor, Peter Wilby, would not print it. Both writers went public, claiming to be victims of censorship. It seems that censorship has been so redefined that editors are now obliged to publish what they have no desire to publish, and that

anything else is a violation of the right of free speech. But surely, the true censors are not Wilmers or Wilby but Marquand and Lloyd. To pressurize an editor into publishing something, regardless of his or her policy, is to threaten the most important foundation of a free press, which is editorial independence. What makes free discussion possible is precisely the fact that editors can, within the limits of the law, publish what they want to publish, and *only* what they want to publish. To believe that your own opinions are so important that an editor simply *must* publish them, whether or not they conform to the journal's policies, is to assume the very stance of infallibility of which censorship is so telling a sign.

Publications

Culture of Fear - Revised Edition, Frank Furedi, Continuum Books, March 2002. September 11th has politicized the culture of fear and created a society terrified of terror. Three new chapters have been added to convey the mood of our times. Frank Furedi comments, 'There is now a danger that the issue of terror will be hijacked by businesses demanding government handouts and campaigners who will use our fears to justify their objectives.'

Index on Censorship: Squeeze on Democracy (Feb 2002). Essays on the theme from Noam Chomsky, John Keane and many others.

'No smoke without fire' by Roger Scruton, *The Spectator*, 16/2/02 (www.spectator.co.uk) describes the consultancy work carried out on behalf of JTI over the past 3 years.

WWW.

www.ash.com news, views and campaigns of ASH. Also www.rogerscruton.com for the parasitic hate site.

www.irainc.com/swtaboo/index.html hints from Philippe Rushton and other academics on tackling taboo subjects. Taboo: 'to prohibit something from use, approach, or mention because of its sacred and inviolate nature'. Recommendation: 'Never tackle more than one taboo at a time'.

www.IFEX.org is the site of the International Freedom of Expression Exchange, the umbrella organization for many campaigners against censorship.

www.eff.org/CAF/cafiuic.html for a résumé of cases and policies from American universities concerned with censorship of student and academic sites.

Two 'ribbon' campaigns: a blue ribbon campaign for complete freedom of expression in cyberspace at www.efc.ca/pages/free-speech/blue-ribbon.html and a green ribbon campaign calling for responsibility in freedom of expression can be found at www.zondervan.com/desk/green.asp

You could also look out for *The Falklands Play*, Ian Curteis's controversial television drama cancelled in 1986 for being 'too jingoistic' but likely to be shown soon by the BBC.

www.tfa.net for the the online magazine *Freedom Today* which reports a conference on the difficult topic of Nationality. Speakers included Manzoor Moghal JP, Ray Honeyford and Daniel Hannan MEP.