

# The Risk of Freedom Briefing

Issue no. 9. October 2001

## Freedom and repression in a topsy-turvy time . . .

It is now two years since this briefing first appeared, and nearly three since the conference which launched our project. During these three years we have seen old freedoms lost, and new freedoms claimed. We have seen style, character, eccentricity and individuality threatened by a rising tide of political correctness. We have seen the long hand of government reaching into every area of private life, and discovered that the arm which controls that hand is often attached to a body that we cannot influence. At the same time there have been new kinds of protest — the countryside marches in Britain, in response to the ideology-driven attack on hunting; the summit protests, directed against transnational government in general, and the WTO-G8 process in particular. Freedom and accountability remain the two most pressing issues of modern politics, and nothing that has happened in the last three years has made them less urgent than they were.

The attack on old liberties often goes hand in hand with a claim for new ones. The Labour backbenchers who vociferously oppose the freedom of parents to choose their children's school are often the same people who call for the lowering of the age of consent for homosexual intercourse, and for the abolition of the law that forbids the teaching of the gay 'alternative' in schools. Those most vociferous in advocating a 'right to roam' in the countryside are often loudest against the freedom to hunt or shoot there. The English are told to permit foreign customs, cultures and allegiances to flourish in their country, and at the same time forbidden to discuss whether this is good for them or bad.

Some of this confusion can be attributed to 'pseudo-liberalism', as Aidan Rankin calls it (see our centre page) — egalitarian dogma, that uses the language of liberty in order to deflect its opponents. But there is a deeper motive, once identified by the philosopher Michael Polanyi as 'moral inversion', and witnessed in many of the large-scale and traumatic changes that are sweeping across modern societies. When people seek to free themselves from old prohibitions, they salve their consciences by locating evil in something that *others* do, which they have no desire to do, and which others consider to be blameless. By stoking up their rage against this other thing, towards which they are in no way tempted, they can adopt the colours of

virtue, while enjoying what was once thought to be a vice.

This motive can be seen at its most interesting and vivid in the current discussions over cannabis and other drugs. There are many arguments for thinking that people should be free to take drugs if they wish, provided others are shielded from the possible harms. But we should not deceive ourselves either that these harms are minimal, or that they concern only the drug-takers themselves. Medical opinion seems to converge on the view that cannabis is at least as carcinogenic as tobacco, and in addition has destructive effects on the brain, on short-term and long-term memory, and on the social responses of the drug-taker. Although much drug-related crime can be traced to prohibition, much is also caused by the loss of scruples and moral cloudiness of the addicted mind. All this means that the question of legalisation can be dressed up as a freedom issue only by ignoring the evidence. Yet it is as a freedom issue that the question is now discussed.

Meanwhile, the pressure to curtail, isolate and criminalize the use of tobacco is forever increasing, even though the harm of tobacco is largely confined to those who use it, and even though most smokers happily exchange length of life for quality.

The moral inversion here is illustrated by Clive Bates, director of the government-funded anti-smoking group ASH, whose venomous attacks on tobacco and its users have marked him out as the number one Puritan of modern Britain. Bates has come out firmly in favour of legalising cannabis, saying that even in its smokeable forms, cannabis could not possibly do the same damage as tobacco, and seeming to accept that the tobacco companies should now diversify into this new market, which by its very nature will be a market aimed at and dominated by the young.

This is not to say that the case of drugs and their legalisation is an easy one: the youth culture of our day is exploring the realms of the forbidden, and in doing so both enjoying its new-found freedom, and showing just why those things that it is now thought irrational to forbid were in fact rightly and rationally forbidden. In this issue we try to show how the extension of freedom into these forbidden realms is accompanied by a relentless assault on freedoms which until now have been taken for granted.

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## Our theme

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# Cracked Shots

## Geoffrey Wheatcroft in *The Guardian* reviews the effect of the ban on handguns

One of the earliest insights into Tony Blair's political personality was provided by his response to the appalling massacre of children at Dunblane in 1996, and one of the Blair government's first pieces of legislation when it was elected the following year was a "total ban on handguns".

That phrase must now have a very hollow ring to the victims of increased gun crime since then – and to the families of those, whose numbers are also ever-increasing, shot by the police.

A report from the Centre for Defence Studies at King's College, London, has just shown that in the two years after the law was passed handgun crime increased by 40%. More than 160,000 pistols were surrendered to the police. And over the next two years, crimes where guns were used rose from 2,648 to 3,685.

Although they took receipt of those guns from those who were by definition law abiding citizens (otherwise they wouldn't have handed them in), the police are scarcely short of their own weapons. A spate of police shootings has left two more dead this week. In Liverpool, the boys in blue shot an obviously deranged man wearing pyjamas and brandishing a sword, and in Brixton they shot a man who was holding a cigarette lighter which looked like a gun. We have seen a naked, unarmed man shot in bed, a man shot by police when he was holding an air rifle and another flourishing a chair leg. Total ban or not, this is not a country where it is wise to wave a water pistol in the street. And there is little chance of redress. Out of 22 cases of people shot dead by the police from 1990 to 2000, there were only two prosecutions.

All of this casts a bleak light on the 1997 law, and on the mentality of the Blair government. After the school murders, John Major asked Tony Blair as leader of the opposition to accompany him to Dunblane specifically to make the point that such a tragedy was far above politics. Poor Major did not know his man.

First Blair said unctuously that he would never make party-political capital out of the massacre, and then he proceeded to do just that, thumping his tub and rousing his rabble with a demagogic speech at the Labour conference which all but blamed the killings on the Tories.

Next year, his government passed the "total ban", that phrase which so thrills politicians, giving them the feeling of omnipotence.

It does not give the reality. In the 1880s, Parliament passed a total ban on homosexual acts among consenting adult men. For 80 years it led to blackmail and ruined lives, but it did not stop men from fulfilling their desires with other men. In the 1920s, the United States' Congress passed a total ban on alcohol. It led to speakeasies on every street and made Al Capone the king of Chicago, but it did not stop Americans drinking.

Four years ago, when British gun control laws were already the most stringent on earth, a "total ban" was more than usually absurd. The government could forbid dutiful citizens from pursuing a pastime which they happened harmlessly to enjoy. But it was perfectly obvious that no new law, however draconian, could prevent a murderous madman from getting his hands on guns if he wanted them. And not just madmen: before the 1997 law, there were pubs in the East End and Manchester where you could buy spanking new Smith & Wesson 38s with as many rounds as you liked, if you had the cash.

As the figures confirm, you still can. The law did not stop the use of guns, it prevented their use by honest citizens – and created a monopoly, with the ownership and use of guns confined to two classes: professional criminals and the police. Both of whom in their different ways have been more trigger happy than ever.

New Labour MPs were far too cringing to take up the libertarian arguments against the gun law, and the opposition parties were nervous about criticising it. That was left to the late Nicholas Budgen, a Tory backbencher, in what Simon Hoggart described as one of the last great speeches made in Parliament.

The opposition could still make the case against a law which is both absurdly authoritarian and, as it proves, futile. To do that convincingly they should be prepared to take on those who are firing guns on our streets, not sportsmen but criminals – and policemen.

Candidates for the Tory leadership have been looking around for worthy issues. Here is one staring Kenneth Clarke and Iain Duncan Smith in the face. They are the heirs to a Conservative party which was created, or at any rate named, by Sir Robert Peel. He also left a far more priceless heritage than any political party, one on which we used to pride ourselves and which distinguished us from almost every other country in Europe: an unarmed police force under civilian control.

Today we have an unarmed police force which often appears to be under no control at all and which, while armed crime continually increases, shoots more and more unarmed people. Is any one prepared to ban the guns that are actually taking lives?

This article first appeared in *The Guardian* 31 July 2001

### The Price of Life: The cost of saving one person's life: 1993 \$

Passing laws to make seat-belt use mandatory	69
Sickle-cell anaemia screening for black new-borns	240
Mammography for women aged 50	810
Pneumonia vaccination for people aged over 65	2,000
Giving advice on stopping smoking to people who smoke more than one packet a day	9,800
Putting men aged 30 on a low-cholesterol diet	19,000
Regular leisure-time physical activity, such as jogging for men aged 35	38,000
Making pedestrians and cyclists more visible	73,000
Installing air-bags (rather than manual lap belts) in cars	120,000
Installing arsenic emission-control at glass-manufacturing plants	51mil
Setting radiation emission standards for nuclear-power plants	180mil
Installing benzene emission control at rubber-tyre manufacturing plants	20bil

Source T. Tengs et al, *Risk Analysis*, June 1995

## The Changing Face of Liberalism by Aidan Rankin

In 1950, Theodor Adorno and his Frankfurt School colleagues produced *The Authoritarian Personality*, a two-volume study of the 'prejudiced person' and the psycho-political origins of the radical right. It is a subtle work and although very much a product of its time remains a seminal study of authoritarian impulses. For a crucial distinction is drawn between the genuine conservative, who is a traditionalist, a patriot and an individualist, and the 'pseudo-conservative', whose attitudes are reactionary collectivist and ethnocentric. Fifty years on, we can apply the same litmus test to liberal political thought. The true liberal believes in individual freedom under the rule of law, the removal of obstacles to individual success and a society which aims to be tolerant and fair minded. The pseudo-liberal, by contrast, demands a socially engineered 'equality', places the group before the individual and supports restrictions on freedom of speech or association, where these freedoms conflict with 'politically correct' goals.

Whereas a founding principle of liberal theory is respect for the private sphere, pseudo-liberalism regards every area of life as political. Therefore, there is no sphere of human endeavour that is exempt from legislative intervention, or from the wider 'struggle for equality'. Despite (or because of) his strong principles, the genuine liberal is ready to be pragmatic, to admit of individual exceptions, to work with rather than against the grain of an existing culture. He sees no shame in compromise and is suspicious of grand designs. For the pseudo-liberal, compromise is a sign of weakness and making exceptions a form of surrender. This is because human societies, indeed human beings themselves, are eternally malleable, locked in a perpetual dynamic of change. The principles of 'equality' and 'progress', which pseudo-liberals revere, must be

universally applied. Globally, they are as relevant to Inuit fishermen as Internet entrepreneurs. Locally, they are as valid in market towns as in urban centres.

Readers may detect a Marxist influence in the phenomenon I have described as pseudo-liberalism: the shift in our political culture from individual freedom towards group rights. Certainly, there is in group rights campaigns an emphasis on conflict, on rights

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claimed by one 'group' at the expense of another. Whether individuals within those 'groups' desire those rights or not is considered largely immaterial by pseudo-liberal campaigners.

Here we can see a resemblance to, or even a development of, the Marxist conception of class struggle. In crude Marxist terms, the worker was 'defined' by his relationship to the means of production. Any loyalties he regarded as superior to those of class, including religious faith, were dismissed as 'false consciousness'. Since the 1960s, the arena of struggle on the left has shifted increasingly from the means of production to the means of reproduction. It is 'sexuality' or 'gender', rather than 'class', that define an individual's identity and group status. Racial classifications apply, too, and are discussed as much by 'progressives' as they are by the

far right. The theory of false consciousness applies as much to these new groups as it did to workers in the past. Thus the homosexual who opposes the gay rights movement and is contented with existing roles is suffering from 'internalised homophobia', whilst the woman who dislikes feminism needs 'consciousness raising'.

The theory of false consciousness enables pseudo-liberals to make an easy transition between supporting privacy for homosexuals and demanding that homosexual opponents of 'equality' be publicly exposed. Likewise, they can move with clarity from supporting a woman's choice to pursue a career to the demand that all women must pursue careers. The issue of censorship is revealing, too. Whereas liberals oppose it on ethical grounds, pseudo-liberals are selective and pragmatic, favouring anti-censorship politics only when they serve a larger political end. They find no discrepancy, therefore, between campaigning against censorship on grounds of blasphemy and for censorship on grounds of alleged 'racism', 'sexism' and 'homophobia'. It is not racist, by contrast, to have ethnic minority 'sections' in political parties or unions, nor sexist to support 'women's organisations' with public funding, while expressing disapproval of men-only clubs. There is 'homophobia', but there can be no such thing, as 'heterophobia'. Pseudo-liberals inherit from Marxists a deterministic view of history, through which certain ideas and certain categories of people triumph inevitably. Censorship is intolerance only when imposed on religious or traditionalist grounds. When imposed on 'politically correct' grounds, it is supporting 'progress'. And 'progress' is by definition right.

This article first appeared in the *Philosophers' Magazine*, Autumn 2000. Aidan Rankin is a research fellow at the LSE

*Should the law be changed to give greater scope for freedom? The New Statesman has run two articles suggesting it should.*

**More sex, please, we're British**  
Laurence O'Toole:

"On 17 August, the Video Appeals Committee overturned the decision by the British Board of Film Classification (BBFC) to ban 7 sex films. This is a critical moment for film censorship in Britain. Labour is out of touch on porn, and without a leg to stand on legally. In the light of last week's judgment, it should instruct the BBFC to liberalise its porn policy, and tell the police, customs and magistrates to abide by the law. Labour must also ditch the Obscene Publications Act, a woefully antique piece of law, which not only cannot deal with this new era of global telecommunications but is flagrantly against the spirit of the European Convention of Human Rights, which the Government incorporated into British law with such a fanfare. Only then can we begin a more grown-up, better informed debate on how we feel about pornography at the turn of the millennium."

The full article was published on 27 August 2001

**Just you wait until I grow up**  
Johann Hari:

"We have to grow up about drugs, and banish the false rhetoric, misleading statistics and silly mythology of the well-meaning but dishonest anti-drugs lobby. We have allowed them to exhume the corpses of that tiny handful of people who have died using drugs. Their abuse of the memory of (amongst others) Laura Betts and Lorna Spinks is at best deluded, and at worst mendacious. Spinks died not because she took Ecstasy, but because she didn't take it properly... If Ecstasy was sold legally, this information would be displayed clearly on the packet. As such Spinks would probably be alive today. Prohibition – not Ecstasy – killed her.

My friends are tomorrow's doctors, lawyers and, yes prime ministers – and, boy do they inhale. When tomorrow comes, their minds may be slightly fuzzier than today's ministers, but at least they won't be closed."

The full article was published on 9 July 2001

. . . continued from the back page, [Matt Ridley on private property and state regulation](#):

man bought and sank his fortune into. Banning his successors from doing the same will achieve nothing but rural impoverishment and environmental ruin. Look only to the Government's land holdings for evidence. The Forestry Commission has spent 80 years turning many of our loveliest woods and hills into uneconomic monocultures of foreign sitka spruce, with their acidifying canopy. It owns nearly two million acres...

In the Hebrides, the absentee officials of Scottish Natural Heritage and the Royal Society for the Protection of Birds are now even more unpopular than the lairds were before them. The lesson is stark and clear from other parts of the world, from Amazonia to Zambia. Where local people have a stake in the environment, they cherish it. Where conservation is imposed by central diktaat, they resent it. The tribal natives of these islands are no different.

This article has been slightly abridged, it first appeared in *The Daily Telegraph*, 25 July 2001

## The Defence of Freedom in The Daily Telegraph an interview with the editor, Charles Moore

*"A Free Country" has been the theme of the Daily Telegraph's leader pages in the last few months. We therefore asked the Daily Telegraph's editor, Charles Moore briefly to explain what had prompted him to devote his editorial pages to the defence of freedom:*

Why take up the defence of freedom now?

*We are taking up the defence of freedom now because it was clear at the last election that no political party wanted to mount such a defence.*

Are things worse in Britain than elsewhere in Europe?

*The defence of freedom is traditionally stronger in Britain than elsewhere in Europe, but this may now be part of the problem. The British tend to assume that they are free, whether or not this is the case. It is time to be much more vigilant about what is happening to our freedoms.*

How can ordinary people influence the regulators and legislators?

*All ordinary people can have influence by showing that they care about freedom.*

*They need to apply more pressure. I hope that The Daily Telegraph can help them to do this. [see website column, right]*

Do people want to take risks and responsibility if they have greater freedom, or do they prefer to be shepherded?

*British history suggests that people do respond well to the responsibilities which freedom provides. It is only natural however that people - particularly people with children - also seek security. Fear of freedom in modern Britain derives from a feeling that the public authorities are bad at upholding the law. The answer to this is not more laws, it is a civil society in which both citizens and public authorities are more strenuous in their defence of freedom under the law.*

### Private or Public? Private landownership in the UK is not the way to enjoy freedom from regulatory interference, says Matt Ridley in the Daily Telegraph's series:

Roman roads aside, the British countryside is not the creation of the state. It was made by private owners, from the peasant carving out a clearing in an ancient forest to the duke laying out his Georgian park. In the past few decades, however, rural property owners have had their rights progressively confiscated by the state to an extent that urban dwellers would never have tolerated. Buildings are listed, habitats designated, species protected, and types of land use mandated.

Unless he has a specific license, a rural owner is not allowed to build a house, convert a barn, fell a wood, plant a copse, sow a field of corn, breed a calf, catch a trout, dredge a pond, move a footpath, drill an oil well or alter a hedge line. Such licences are at the whim of state agencies such as English Nature, English Heritage, the Forestry Commission or the Environment Agency.

The better a landowner has looked after the landscape, the heavier this burden falls on him. If he presides over a hedgeless plain growing wheat, he is left alone. If he has a pretty house in a mixture of woods and moors with rare species in them, he is virtually nationalised. This is known as a perverse incentive.

About the only freedoms that remain to a landowner are the freedom to exclude trespassers and the freedom to sell his land to the buyer of his choice. It is no accident that these two freedoms are under legislative attack. In England, a "right to roam" over private land has been partially enacted and there is talk of extending it to woodland and river banks. Burglars can hardly wait. In Scotland, a new

Bill proposes to enforce the sale of estates to consortia of local people at a price to be decided by the state.

A good thing, too, say most people. Property-rights freedoms are selectively enjoyed by the few who own land. The countryside is too precious to be left to their whim. They should not be allowed to drill oil wells or alter hedge lines at will. We tell ourselves, too, that 'the countryside belongs to all of us' and that, in granting the state powers over it, we are only claiming what is ours by right. Freedom and private property do not go together.

Yet here is a funny thing: they do. Unfree people — Soviet workers, Virginian slaves, feudal vassals — had no freedom to own property. State control of land, whether in ancient Egypt or modern North Korea, has gone with tyranny, not freedom. As the Peruvian Hernando de Soto has argued, for poor people in developing countries today the best route to freedom from poverty, state coercion and violence lies with regularising their informal property rights, so they can cherish, invest and inherit. So why are we going in the other direction?

If the countryside belongs to the state, there is a risk that it will suffer the fate of so many other things that belonged to the state: things such as lay-bys, or British Leyland, or Russia. It will be under-funded. Local initiative and diversity will wither. Accountability will disappear. Farmers will become welfare dependents. The most cherished parts of the British landscape are the bits that some rich

...continued inside on page 3

## Publications

*A New Future for Communications* — a government White Paper issuing from the Department of Trade and Industry and the Department of Culture, Media and Sport. TSO, 2000. Proposes a new overarching regulator for the broadcast and telecommunications industries — OFCOM to take over from OFTEL, the Broadcasting Standards Commission, the Independent Television Commission and the Radio Authority.

*Pornocopia: porn, sex, technology and desire* by Laurence O'Toole. Serpent's Tail, 2001, reviews the growing sexualisation of modern culture and calls for censorship laws in England to be liberalised accordingly.

*Culture and Communications* by Jonathan Sacks. ITC, 2001. Jonathan Sacks, the Chief Rabbi, argues for moral voices and respectful dialogue in television broadcasting.

*Common Sense on Cannabis: the Conservative case for reform* by Peter Lilley MP. The Social Market Foundation, 2001. This pamphlet rocked, not just the Conservative boat, by calling for the legalisation of cannabis.

*Cannabis Culture* by Patrick Matthews, Bloomsbury, 2000, a book on cannabis connoisseurship calling for cannabis smokers to adopt the same sort of etiquette as winos.

*Mr Nice* by Howard Marks, Minerva, 1997. The cult autobiography of an Oxford drug dealer.

*A Countryside for All* ed. Michael Sissons, Vintage, 2000, in which Matt Ridley has a chapter on the regulations pertaining to land ownership.

*Captive State* by George Monbiot, Macmillan, 2000. George Monbiot is a well known advocate of the freedom, or 'right' to roam. This book attributes the constraints on politicians to the power of corporations.

WWW.

[www.telegraph.co.uk](http://www.telegraph.co.uk) for "A Free Country" leaders and in particular [www.freedom@telegraph.co.uk](mailto:www.freedom@telegraph.co.uk) for readers' participation and examples.

[www.clicktso.com](http://www.clicktso.com) and [consultation@communicationswhitepaper.gov.uk](mailto:consultation@communicationswhitepaper.gov.uk) if you want to read and comment on the proposed OFCOM.

[www.newstatesman.co.uk](http://www.newstatesman.co.uk) for the full versions of the articles from which we quote.

[www.spectator.co.uk](http://www.spectator.co.uk) search in back issues under title 'Banned Wagon' for 41 articles on giving advanced warning of proposed legislation and regulation to ban things, for instance, car boot sales.