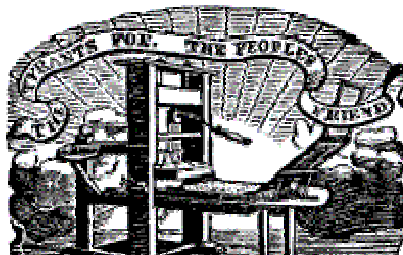


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Contents

- Editorial - A Farewell to Paper - Sean Gabb**
- Washington and Brussels: Not Either or, Perhaps, but Both and - Sean Gabb**
- Washington and Brussels: Comment - Dale Amon**
- Washington and Brussels: Comment - MS**
- Washington and Brussels: Reply to Comments - Sean Gabb**
- The Conservatives: Do We Really Need Them? - Sean Gabb**
- The Conservatives: Comments on their Psephology - Steve Davies**
- What is Wrong with Gay Adoption? - Sean Gabb**
- Hunting Paedophiles in England: Present Madness, Future Shame - Sean Gabb**
- Hunting Paedophiles in England: Replies and Responses - Sean Gabb**
- More on Hunting Paedophiles - John R. Ramsden**
- Is There a Right in Ireland? - Sean Gabb**
- Should the Elgin Marbles be Returned to Athens? - Sean Gabb**

Editorial
A Farewell to Paper
Sean Gabb

I took over as Editor of *Free Life* in November 1991. During the next eleven years, it appeared as often as I could rouse myself to produce one and persuade Brian Micklethwait to print what I had produced. Because I am by nature an idle, disorganised person, the production was never as regular as I felt duty to require. Then, in 1993, I discovered the Internet. Though by the standards of today, an esoteric and decidedly small forum, it was from my first discovery a much bigger forum for my

opinions than I could ever hope to achieve as the editor of a hard copy journal that lacked any serious attempt at marketing. I therefore began to circulate my own writings on the Internet with the eventual intention of putting them into hard copy. I formalised this arrangement late in 1997 with the start of *Free Life Commentary*. This soon gained a very large audience - at present, my mailing list contains just under ten thousand e-mail addresses: add to this the distribution lists and newsgroups to which I send it, and the circulation may be five or ten times higher. Not surprisingly, the regularity of *Free Life* itself began to crumble. For what reason, I continually asked myself, was I spending days on setting and proofreading a hard copy journal that would never be read by more than a few hundred people? That the journal always contained articles by other people was a decreasingly persuasive answer, as they themselves could publish on the Internet if they really wanted to reach a large audience. That I would normally place pdf and html versions on the Internet was also of diminishing force, as the mere effort of setting became ever more onerous compared with the simplicity of sending text directly onto the Internet and uploading simplified html versions to my web site. Moreover, the Internet version was of a journal that was itself months out of date. It was not so much published on the Internet as archived there.

Then in 2002, Brian Micklethwait discovered the Internet for himself. Since his role in the production of *Free Life* had for years been confined to printing and stapling the file that I sent across to him - a job quite as long and onerous as setting it - and since he had gained not even the glory that I had of editing it and usually writing it, I should not have been surprised when he showed extreme reluctance to print any further issues. He had discovered the web logs, and was eager to give as much time as he could to reaching out directly to his readers on the Internet - just as I had already been doing for years. The real surprise in retrospect is that we both continued for so long in giving so much effort to a project with so little relative impact.

I was prepared to drop *Free Life* in all but name - keeping up the pretence of editing it, but hardly ever doing so. However, I had for some time been wondering what to do with the replies that I was getting to issues of *Free Life Commentary*. Some of these were substantial articles in themselves, and deserved more than a brief and often delayed reply. Last month, I experimented with writing supplemental issues of *Free Life Commentary*, quoting from and responding to the more substantial or interesting replies. Then, with a flash of inspiration - a long delayed flash, I will confess, bearing in mind how obvious it now seems - I decided that *Free Life* did after all have a future. It gave birth to *Free Life Commentary*. Now it could be absorbed by it.

From this week, I propose to bring out an issue of *Free Life* in every week that I produce an issue of *Free Life Commentary*, and it will be published wholly on the Internet. I will bring out issues in hard copy for special occasions - for taking to conferences, for example. But there will be not even the pretence here of a publishing schedule. *Free Life* will migrate fully to the Internet, and will be constructed around the latest issue of *Free Life Commentary*. It will carry a short editorial, the latest issue or issues of *Free Life Commentary*, together with replies thereto and any responses that I feel inclined to make. As the revived journal becomes established, it will also carry articles and reviews by others. Notification of new issues will be sent out by the usual means.

Now that almost everyone interested in politics has access to the Internet, I calculate that I shall lose only three readers. Even were they not who they are, these readers would be important losses. But I do not feel more than a small twinge of guilt.

Of course, no charge will be made for reading the new *Free Life*. It will be as freely available as any other Internet publication of the Libertarian Alliance. The very few readers of the hard copy *Free Life* whose subscriptions are still current will receive a refund. Fortunately, I had long since stopped asking for money from the subscribers, and so I do not imagine the cost of giving refunds will be at all a burden even on the limited resources of the Libertarian Alliance.

So there it is. *Free Life* lives, and will do so into the new century with greater force and enjoyment than it ever managed in the old.

Washington and Brussels: Not Either or, Perhaps, but Both and
by Sean Gabb
Published as *Free Life Commentary* 90, 4th February 2003)

As I write this article, Tony Blair is with Jacques Chirac, the President of France. Among the items on their list of things to discuss are support for America in the likely invasion of Iraq and a new constitution for the European Union. This second, according to the parts of the draft I have seen and the various comments on its detailed content, is a highly federalist document. It will formalise the change of the European Union from a trading bloc to a federation of states explicitly subordinate to the central authorities. Will Mr Blair reject this proposal? I hope he would like to, but I am not sure he can. It is too connected with the other matter to be discussed today. Let me explain.

In modern America, as Jugurtha said of Rome, everything is for sale. There may be no easily identified American national interest in going to war with Iraq. Even so, the big oil companies want control of the oilfields. The Israelis think an American presence in the region would buy them time before what I think is an inevitable collapse. The Saudi Monarchy thinks the same, though with far less reason than the Israelis. They have the necessary influence in Washington, and so there is more chance of war with Iraq than not.

Yet, having bought their war, these interests probably have no real control over its timing or direction. Though for sale, the Bush administration does not give refunds. Mr Bush has cried up the case for war with Iraq to the point where he cannot cry it down again. He has been so insistent on a war that his entire credibility as President is now inescapably linked to getting one. If he cannot find the ghost of an excuse for invading, or cannot shelter behind the required pretences of joint action with at least one of the minor powers, he will find himself, like his father, a one term President.

Regardless of the others, this one fact should give enormous leverage to the British Government. Of course, the Americans have the physical means to invade Iraq by themselves: the real question is whether they can afford the political costs at home and abroad. They need even a very junior partner, and the most obvious partner of any respectable size is Britain. Therefore, assuming a short war and a reasonably clean disengagement - and do not suppose I go further than assuming these for the present argument - there might be a British interest in offering the kind of token support that has in fact been given. The price would be obvious - an open handed American welcome for British disengagement from the European project. A tough negotiator would also demand concessions on Ireland and a slapping down of Spain over Gibraltar.

I do not, however, think this has been the shape of the deal between London and Washington. Throughout the long build up to crisis that followed the September 2001 bombings in America, it has been just possible to explain Mr Blair's actions on the basis of British interests. It has been rather more possible, though, to explain them on the basis of his known and extravagant vanity. I do not think he has driven a hard bargain in Washington. I do not think he has driven any bargain at all. Instead, I suspect that he has been granted the thrill of playing the part of a great world leader in exchange for doing whatever may be needed to ensure European support for the Americans.

If I am right, Mr Chirac will at this moment be demanding British support for the European constitution he and the Germans have been writing. If there is no British support for this, he might be saying with a little Gallic shrug, there will be no French support for an invasion of Iraq. And

without that, Mr Blair's whole standing in Washington might collapse, and with it his standing in this country as Prime Minister. On this reading of events, he is as much a prisoner of events as Mr Bush, though somewhat further down the chaingang.

So much, it may be, for the "special relationship" - and so much too for the idea, floating in various Eurosceptic discussions, that closeness to Washington means distance from Brussels. Thanks to the equal if separate stupidity of the Bush and Blair administrations, we may be about to find ourselves sucked into a slow motion bloodbath in the Middle East, and at the same time into a European superstate. For once, I shall be reading the newspapers with close attention over the next few days.

Washington and Brussels: Comment
Dale Amon <amon@vnl.com>

Sean, that was by far the worst FLC you've ever turned out.

Iraq is not about money. If that were the issue, the US oil companies would simply have pressured for the US to lead an end of the sanctions with behind the scenes negotiations with Saddam for contracts in exchange for the US signing an agreement that the Gulf War of 1991 is over (It isn't you know - we're only in a cease-fire with certain terms and conditions attached).

The oil companies would get the same deal as they'll get with a new government (better perhaps because for international reasons the US has behind the scenes had to guarantee status quo for Lukoil (sp?) the Russian state oil company; if the US had gone the other route they could have gotten it all. And it would have cost the US treasury \$50,000,000,000 less, plus the yearly savings on removing the costs of holding the no-fly zones.

The concept that this is about oil contracts is downright silly and should be well beneath your intellect Sean.

Secondly, why is Tony backing the war? Well, I've been watching the vehemence of his responses to Question and to some of the media. With what I know from following the various briefings and information on the blogs, plus my knowledge of things aerospace and nuclear, I am guessing he is getting some very frightening information on a rather regular basis. I think there have been some very near things which we have not been told about. I think Tony is near crapping himself over them. He wants Saddam shut down for the same reason Bush wants him shut down.

And believe me, governments are not playing it fully straight with the public on the nuclear threat. It is unbelievably scarier than they are telling you. All it takes is the right amount of fissionables, some knowledge and perhaps a week to get a low yield but very messy device. I won't describe any more because I have been pretty much self censoring since I came to certain realizations and had them verified by "someone".

This is a war of survival and it may not stop at Iraq. We simply cannot allow any nation with insufficient controls or a favourable attitude towards terrorists to possess the raw materials.

Libertarian or not, I will **not** pay the price of seeing a hundred thousand dead in New York, Washington or London. Any government that fails to take pre-emptive action to prevent this kind of horror should simply be over thrown.

Immediately.

Washington and Brussels: Comment MS

Surely 9-11 was excuse enough? I know there is a media offensive to try and put down any suggestion of a link between Al-Qa'eda and Iraq, but the link is proven and established, indeed it is clear that ALQ is nothing but a creation of Iraqi and German intelligence (the DVD, their black operation in Dachau, near Munich).

Atta was an Iraqi intelligence officer, previously associated with the PLO, indeed he was at one time extradited from the US by Israel. The PLO of course have close links with Baghdad, indeed at one time, before the EU started to bankroll them, the PLO fronted for Baghdad whilst Hezbollah fronted for Iran. There has been a rapprochement between the PLO and Islamist factions on the West Bank and in the Lebanon since the 1st Gulf War and the ending of the Iran/Iraq war, itself probably brokered by Kohl and Mitterand, France being as close to Iran as the Germans are to Baghdad. Oil may be a factor, but far more for the EU which doesn't have any oil than the US, which vast domestic energy reserves and at last is prepared to carefully exploit them, particularly in Alaska. US energy policy for the remainder of man's dependence on oil for energy (as opposed to lubrication, as it were) will concentrate on security of hemispheric supply, focussing away from the unstable Middle East. President Bush's (what a great President he is turning out to be, up there with Ronald Reagan and heading for Lincoln/Roosevelt (both) territory) State of the Union address showed a thoughtful appreciation of the need for energy conversation and moving away from oil for automotive use in favour of cleaner hydrogen, with huge national security as well as environmental advantages.

The French interest in bankrolling Khomenei was prompted partly by oil, and partly by its geopolitical obsession with reducing US influence, ditto the German interest in supporting Hussein, reflecting German strategic priorities in the Middle East since the early 1940s.

It is interesting that as Germany and France came together in the run-up to Maastricht the Iran/Iraq war between their respective client states was settled.

It is of course wholly unsurprising that Spanish, French and German intelligence took the lead in providing base facilities for Al-Qa'eda, helping them to launder money into the US and providing technical support for 9-11, much of the latter laundered through Baghdad. I doubt the instructors at Salman Pak for example were all Iraqi. The aircraft hijacked for 9-11 were all types serving with European airlines or would have been familiar to European pilots, the 757 and 767 cockpit layouts being very similar. The pilots were probably given simulator training.

Forget the Saudis learning to fly Cessnas and attracting attention to themselves in US flight schools by asking how to fly aircraft into tall buildings but not how to land them (I exaggerate but not by much) - that was a classic deception operation. It is no surprise that the US can only positively identify 15 Saudis out of 20 terrorists, the remaining 5 being the Iraqi pilots, whose real identities may only be known after the invasion of Iraq (no wonder the EU are frantic about the US and ourselves going in - the intelligence yield will be frightening the life out Paris, Berlin and Brussels). They are probably all Iraqi air force or Iraqi airlines pilots, whose families were no doubt held as hostage until after the operation and rewarded handsomely on completion.

Time to get right behind Uncle Sam on this one - all the way with Bush for the Big Push on old Baggers, in the name of humanity and the West. Capturing Baghdad is the next best thing to capturing Brussels.

Washington and Brussels: Reply to Comments by Sean Gabb

Events appear to have proved me wrong in my predictions. The British Government has made a fuss about the draft of the European Constitution - though more over its wording than the things those words describe. At the same time, the French have taken a decidedly hard line in their reluctance to join in a war with Iraq. I am writing this response on a day - Friday the 14th February 2003 - when it looks as if NATO is falling apart, and the British Government may be forced to choose between Washington and Brussels - this last a choice that I denied was on the agenda.

Perhaps something has gone wrong. Perhaps I was correct in my analysis, but that the misunderstandings and personal disputes that always attend crises of this sort have turned events from their intended course. Or perhaps I was just wrong. Perhaps Mr Blair, for whatever reason, believes that the American alliance is our most basic foreign policy interest and that his duty as Prime Minister is to side with Washington even against Brussels should this be required - and that he believes this in spite of his known previous commitment to closer European integration.

I do not need, however, to investigate motives. It is enough for me to deny that there is any British interest in joining the war against Iraq. For such a case to be, at least one of two claims needs to be made out. It must be shown either that the Government of Iraq is developing weapons that it is able to use and desires to use against this country, or that - regardless of whether these weapons do exist - there is a clear and great and otherwise unachievable advantage to this country to be had from going to war.

The first of these claims I reject out of hand. Dale Amon claims private knowledge of some Iraqi threat. I do not doubt his belief in the truth of what he claims: I only doubt the truth of what he has been told. Set aside for a moment the nature of the evidence offered, and consider the nature of the claims being made. We are expected to believe that a poor and barbarous country, which was badly damaged in a previous war, and which has been under close blockade and supervision ever since - constrained and spied on by every possible means - has yet been able to develop weapons against which a country like Britain has no defence but a pre-emptive attack. We are expected to believe this, moreover, despite the repeated assurances of those in charge of the inspections within the country that, while the Iraqi Government has been either negligent or dishonest in its disclosure, no such weapons have been found.

Of course, this claim may be true. Perhaps Saddam Hussain has spent the past twelve years pretending impotence while secretly building the most alarming aggressive capability that, unless he is stopped now, really do let him threaten this country. However, extraordinary claims require extraordinary evidence. The proof offered so far has not been extraordinary. It seems of much the same nature as the pretexts given for other recent wars or attacks - pretexts that have often turned out to be lies.

Remember that alleged Kuwaiti nurse back in 1990, who testified so movingly in Washington how the Iraqi invaders of her country has torn babies from incubators. Remember how she turned out to be the daughter of the Kuwaiti Ambassador - without medical training and without personal experience of the invasion. Her evidence was used to swing American and British opinion behind the first war with Iraq. By the time it was exposed as a lie, the bodies were already rotting in the Arabian desert.

Remember how the al-Shifa factory in Sudan was supposed to be making chemical weapons - Mr Blair even said he had proof. It was bombed and at least one person burned to death. Remember

how the place turned out to be just an aspirin factory after all, and how the Americans eventually paid compensation to its owner.

Remember the claims of 100,000 Albanians murdered by the Serbs in Kosovo. Remember how the bodies have still to be produced, and how the trial of Slobodan Milosevic at the Hague has turned into sinister farce, concealed from the world only by an effective news blackout in the main media.

Remember all this and then look at the file of evidence against Iraq published by the British Government and much used by the Americans. It is a compilation from sources found on the Internet. One of the sources is twelve years old. This compilation contains whole unacknowledged passages lifted from its sources, complete with errors of language. These passages have only been altered to turn descriptions into unsupported accusations.

So little reliance, moreover, is placed on this report by the American and British Governments, that they have continued since its publication to seize and twist every subsequent fact to support their case for war. Two days ago, for example, a tape alleged to come from Osama bin Laden was published. Without waiting to check its provenance, and on the basis of selective quotation, the American Secretary of State and British Foreign Secretary immediately claimed it to prove a link between the Iraqi Government and al Qaeda - thereby implicating Saddam Hussain in the 2001 American bombings. The newspapers now carry a full transcript of the tape, and it proves no such thing. Whoever is talking calls on Moslems to support the Iraqi Government *despite* the fact that it is a government of "socialists and infidels". Proclaimed common cause is not proof of a close working relationship. Accordingly, the accusations appear to have been dropped.

Now, if unambiguous evidence does exist for an Iraqi threat to this country, why is our Government seizing so eagerly - indeed, with such apparent desperation - on every shred of evidence, regardless of its value? The answer strikes me as obvious - that it has no proper evidence, but was hoping that what it had would not be too closely examined. Nor is this a singular event. Rather, it is a single instance of what has been a general trend - to make wild allegations, and then to drop them.

Of course, perhaps in spite of its form and the nature of other supplementary evidence, this report is true in its substance. But there must be a strong presumption against its truth. Though even known liars can tell the truth, it is reasonable to take their word only when supported by evidence that is both unusually strong in itself and that is unlikely to have been fabricated.

The claims being made by the American and British Governments are of the same nature as the claims made by the Roman Church about some particular miracle. Miracles are in themselves unlikely events, and even the best evidence for them can be explained within narrower hypotheses; and the evidence comes from a source repeatedly exposed as fraudulent. Perhaps the blood of St Januarius does liquify, and perhaps all those plaster casts of the Virgin do weep. But we are justified in rejecting such claims unexamined, or in demanding overwhelming and independent proof from whoever persists in maintaining them. So it is with the Iraqi "weapons of mass destruction". Perhaps Mr Hussain will make an unscheduled appearance on television tonight, stroking his cat and showing us how he can destroy London with one blast of his space cannon. If so, I shall have been wrong again, and may even make another retraction. But I see no reason to suppose that he is a threat to anyone at the moment except his own unfortunate people - and that is a problem for them to solve, not for British servicemen or tax payers.

I turn to the second claim, and I have slightly more respect for this than for the first. Whatever their grounds, the Americans seem committed to war with Iraq. Perhaps it is in our interests to support them. Going to war regardless of whether there is a threat to us may sound immoral, but moral considerations have never in themselves been a strong motivating force in international relations.

The world is and always has been an anarchy in which states follow their interests as they conceive them and by whatever means they find convenient. Few wars are fought for the reasons given by any of those taking part. The reasons given have generally been pretexts - their purpose being to secure consent at home, to court neutral opinion, and perhaps also to demoralise the enemy.

This being said, the quality of the pretexts used is important. The more they can be made to look like moral considerations, the more likely they will be to achieve their purposes - which in an age of semi-democracy and fairly open debate, such as ours, are crucial to success in war. Though a country's foreign policy need not have any moral qualities at all, it should appear to have some. This requires the avoidance of openly aggressive war. Even before the rise of public opinion, great powers found it convenient to use force to get their way only as a distant resort, and to deal justly with inferior states in small matters, at all time proclaiming their adherence to certain principles of international law. One of the signs of greatness in diplomacy has always been to maintain this adherence in general, while finding good pretexts not to be bound by it in matters where great inconvenience would follow. I will not again discuss the nature of the pretexts offered for this war, but - even if they should happen to be true - they are plainly insufficient.

What then of the objects to be achieved? There is a continual whispering campaign from those allegedly in the know that the British ruling class has privately decided close European integration not to be in our interests, and that we should emphasise our special relationship with America as a means of disentangling ourselves from what has turned out to be an unwise connection. As MS says, "Capturing Baghdad is the next best thing to capturing Brussels." If true, joining in an American war with Iraq would serve this purpose admirably. It has already brought British relations with the continental powers to their lowest point since the 1940s. It is also clear that a Britain submerged into a European federal state would not be the ally that it presently is. Much more of this, I am told, and we shall be out of the European Union and into NAFTA long before Gordon Brown has run out of excuses for not telling us the results of his five tests for deciding on membership of the Euro.

This is an interesting line of argument, and I do not entirely reject it. However, is this sort of intrigue really necessary? If the British public were as committed to the European Union as the Irish seems to be, it might be useful to withdraw by stealth. But there is both wide and deep hostility in this country to membership of the European Union. One reason why the Government has avoided calling a referendum on the Euro is that it is almost certain to lose. If there were a referendum tomorrow on whether to pull out entirely from the European Union, it is not at all certain that there would be a majority for staying in - and this even with the Government campaigning to stay in. A referendum with withdrawal backed by the Government seems hardly worth the bother of counting the votes. Perhaps there are powerful interest groups that force the Government to hide its true intentions, but I cannot think what they are. To get out, it seems only necessary for the Government to make the suggestion. As for the Americans, it is reasonably clear that their long term interests lie in a weaker European Union lacking credibility as a counterweight to their own power. Detaching Britain is the most obvious way to achieve this. An unaligned Britain would be no threat to American power. A more or less allied Britain would be a clear addition to it. We have no more need of American gratitude than we have of European anger: neither is likely to mean much in the long term, foreign policy interests being what they appear to be.

I turn now to the general utility of our "special relationship" with the United States. As I see it, this has not been to our advantage. The Americans provided us with lavish funding to fight two world wars that were useless from the point of our own national interest as closely defined, and in which we comprehensively undermined our position as a great world power. This done, we then allowed them to make us into a kind of satrapy in their crusade against the Soviet Union. As part of their

strategy in this crusade, I do believe that they encouraged our rulers to take us into the European Union, so that the West European states could be kept steady in their own American alliances. Perhaps, with the inevitable relative decline during this century of American world power, it is now in their long term interests to have us as a free and prosperous ally. But I do not trust the Bush Administration to consider only long term interests. Its prestige is now inextricably connected to the destruction of Saddam Hussain. If it suits an immediate purpose to throw us deeper into Europe, I have no doubt that we shall be thrown there.

I do not blame the Americans for what they helped us do to ourselves in the last century. Had I been an American wanting to make my country into a great power, I should have done exactly what was done. Means being correctly apportioned to ends, foreign policy interests cannot in themselves be condemned or praised: - they can only be discovered and measured. But I do not trust the Americans any more than I trust the French or indeed the Iraqis. And I have no time for all the sentimental dwelling on the harmony of the Anglo-Saxon democracies that I am seeing from people who ought to know better. International relations are matters of interest, not of sentiment.

And as there is no probable benefit from supporting America in this war, the costs must be considered purely in themselves. These flow from the probable need of a long occupation of Iraq. This is not a nation state, like west Germany and Japan, that can be fitted out with liberal institutions and made into a valuable friend. Iraq is a chaos of ethnic and religious groups that can only be united by despotism or by common hostility to an outside force. It has neither the cultural nor the administrative resources to enable even the shadow of liberal democracy. Once there, it would be difficult for any occupier to withdraw without immense loss of prestige. Yet every day of being there would bring high costs. There are the direct financial costs. There are the diplomatic costs, so far as holding the country together will compromise relations with every other power in the region - mainly Turkey and Iran, but also perhaps Israel and Syria. And there is the cost in terms of our lives - those of our servicemen out there, but also those of British civilians exposed to the risk of terrorist attacks - attacks that millions in the Islamic world and nowadays in this country as well would regard at least secretly as acts of justified retaliation.

Unless it can be argued that the costs are not so great and that there will be actual benefits - and, I repeat, unless a better pretext can be found than has so far been revealed - I see no case for war. Little as I respect the United Nations - at best a hot air factory, at worst a sinister constraint on our ability to govern ourselves as we please - I hope that it will manage this time to avert a war. If not, I am sure the consequences will be terrible.

Though I think it a waste of time to dwell on arguments of morality, we must remember that war involves killing some people and inflicting great suffering on many more. As such, war is an evil. This does not make it in itself an illegitimate instrument of state policy. But those able to decide between going to war or not have an obvious duty to look closely at the expected benefits and costs. If people elsewhere in the world are to have their heads or arms and legs blown off, it should at least be for our own clear advantage. Nothing I have seen in the past few months gives me reason to suppose that there been any serious calculations of advantage.

One day, if there is a war, passions will have cooled enough for people to take a rational look at the various cases now being presented for war; and those of us now opposing war will turn out to have been as right as those who opposed the Boer War and the Great War. Sadly, it will by then be too late.

Other Writings by Sean Gabb on War and Foreign Policy:

“**Why Britain Should not Go to War with Iraq**” *Free Life Commentary*, London, issue number 71, 11th September 2002

“**Late Published Thoughts on the American Bombings**” *Free Life Commentary*, London, issue number 70, 5th September 2002

“**What to Do About Israel**” *Free Life Commentary*, London, issue number 57, 10th October 2001

“**Plain Thoughts on the Afghan War**” *Free Life Commentary*, London, issue number 56, 8th October 2001

“**The American Election: An English Perspective**” *Free Life Commentary*, London, issue number 46, 8th November 2000

“**Thoughts on the Serbian War**”, *Free Life Commentary*, London, issue number 29, 26th March 1999

“**Still More Thoughts on the Serbian War**”, published in *Free Life* No 29, London, April 1999

“**Clare Short: La Pasonaria of the Serbian War**” *Free Life Commentary*, London, issue number 32, 4th June 1999

Anglo-German Relations in the Twentieth Century: An Isolationist View, a monograph published by the Libertarian Alliance, London, 1990

The Conservatives: Do We Really Need Them?
Sean Gabb
(Published as *Free Life Commentary* 74, 5th November 2002)

There comes a moment in any institution's decline after which common stupidity can no longer be distinguished from sabotage. So it appears to be with the Conservative Party. It may be that Iain Duncan Smith will in the next few days be driven from the leadership. If he does survive the next few days, my friends in the Party assure me that he will not survive a leadership challenge - or if he does survive that, it will be on the sufferance of enemies who hate each other too much to combine effectively against him. If he is replaced, no one expects a new leader to deliver victory at the next election: the best he faces is to get through this Parliament without either another leadership challenge or a formal split.

The effect this is likely to have on an already weak showing in the opinion polls hardly registers on the majority of Conservative Members of Parliament. There are few of them left. Most of them are now in unsafe seats. Uppermost in their minds as they run about Westminster like terrified lost sheep is a personal desire to keep the seats that raise them above the mediocrity that would otherwise be their due in life. How they will behave during the present crisis is beyond rational calculation. But if their past behaviour is any guide, they will do nothing very effective - either for the Party or for themselves.

Of course, if Mr Duncan Smith's leadership really is coming to an end, it may be no more than he deserves. He was elected last year to bring about a Conservative revival after the wasted years of John Major and William Hague. His job was to ensure an ascendancy of the conservative mainstream within the Party and to reach out to an electorate increasingly dissatisfied with Labour. But where is this mainstream ascendancy? Where are the new policies? Where is the keen and steady opposition to Labour? I cannot see them. Others normally willing to look for every sign of revival cannot see them. I can even understand the regret that some are beginning to feel for the past leadership of William Hague. He led the Party here. He led it there. He led it to many places. He never led it anywhere with much of a strategy, nor anywhere for very long. But at least he led it. Under Mr Duncan Smith, it seems to be going nowhere.

Earlier this year, I did briefly persuade myself that there was a strategy. I was not happy with it, but I could see its Machiavellian charm. It strikes me as obvious that the whole mission of the

Conservative Party should be to govern a free people in an independent country. From this, it follows that the leading objective should be to prepare for withdrawal from the European Union. Now, the best way to prepare this is to talk about it and to get withdrawal onto the political agenda. Big changes of policy in a democracy can seldom be made except after a long public discussion, in which the principle has become accepted, or at least has lost its ability to alarm the uncommitted, and preferably in which all but the incidental details have been settled among the committed. There is always an electoral risk in proposing big changes. But this one has actually been prepared for the Conservative Party. There is no reason to believe that advocating withdrawal would much surprise the electors - nor even to believe that most of them would strongly disagree.

All this strikes me as obvious. But, like Moloch, "my sentence is for open war: of wiles more unexpert I boast not". That does not make me right. I am, after all, a polemical writer, not a politician who goes about knocking on doors and trying to look pleasant. I therefore persuaded myself that the principle of withdrawal had been tacitly accepted, but that it was unprofitable in electoral terms to advertise the fact, and that the present objective should be to win the subsidiary debates on health, welfare, education and law and order. These being won, the Conservative Party could then win an election across the whole range of issues, rather than gamble all on a single issue that might not be uppermost in the public mind come the next election.

Unfortunately, for all my partiality to the English tradition in politics, I may have been led astray by my rather French belief in the ability of people to see the logic of their position and to act accordingly. Perhaps there was no strategy, and I had fallen into some variant of the anthropomorphic fallacy. Or if there was a strategy, its execution was bungled. Certainly, if there was to be a focus on subsidiary debates, it was reasonable to expect some kind of victory in them. If there was to be talk about schools and hospitals rather than about Europe, the talk should have been interesting and convincing. All we have had instead is leopard skin shoes, ethnic minorities, commitments to public service reform that are already on the Labour agenda, and some fatuous talk about fighting crime by winning the war on drugs - this last a big disappointment, as I had expected more from Oliver Letwin than plans to turn us into a nation of police informers.

So where do we on the political right go from here? Unless we are to grow comfortable with the prospect of unconstitutional action, we do need a party that will eventually dislodge this present Government. Bearing in mind the difficulties of starting a new party - let alone a successful one - that must be the Conservative Party. But it is not the Conservative Party as it now exists. I could be wrong. I am told that a deal has been made between John Redwood and Michael Portillo to take over the Party as soon as a leadership election can be forced. Perhaps the alleged charm of the latter will be combined with the alleged solidity of the former to bring about a revival. But note the doubled adjective. I have seen too many Messiahs come in with loud hosannas and go quietly out crucified and unresurrected to believe that even a committee of them will do any better. It seems reasonable to predict that, failing some great and unexpected change in politics, the Conservatives are doomed to irrelevance for the rest of this Parliament, and possibly for the one after this.

And so, what are we to do? The question is not so gloomy as it might sound, as the answer has already been given. This is that we should go on without the Conservative Party, just as we have been going for several years. Politics without a formal opposition may be alarming to those who think only in terms of what happens in Westminster. But there is an opposition to Labour in the country at large, and a pretty good one. It is an informal coalition of Eurosceptics, country dwellers, and libertarians of all shades. We are held together by a vague commonality of principle and by cross-membership of the main campaigning organisations. We discuss and coordinate our strategies over dinner tables and via the Internet. Since no one leads us, and there are so many of us, we cannot be bribed or threatened into silence.

We face a government that is committed to any number of terrible things, but that is committed above all to its continued and fairly easy enjoyment of power. Therefore, the fuel protests led to a withdrawal of the petrol tax escalator. The countryside protests have led to a feverish search for compromise on the hunting issue. The passionate denunciations of the European Union have led to a probable dropping of Euro membership. Perhaps this last was mainly caused by opposition within the City - but, as with the move to free trade in the middle 19th century, it was reinforced by the perceived weight of public opinion. Indeed, on the whole European issue, the Judges have recently turned Eurosceptic, ruling that no foreign treaty of any kind can be entrenched against the express will of Parliament. I doubt if this was a unilateral act by the judiciary. The judgment in the Metric Martyrs case must at least have had wider discussion within the Establishment. Labour is even taking note of the public disquiet about the return to mass immigration, and is talking language that, heard from others, the Ministers would once have called in the police to suppress.

I cannot personally endorse every point of the loose opposition to Labour. Nor can I pretend that we have collectively been as successful in stopping bad laws as a good parliamentary opposition would have been in our place. But we have had our successes, and have in consequence a Labour Government that is better than we might once have expected it to be.

And so we can probably do without the Conservatives for the foreseeable future. Doubtless, when the leadership election starts - in whatever formal or informal shape it may take - there will be the usual apocalyptic talk about why this candidate is better or worse than some other, its purpose being to interest us in the outcome sufficiently to make us give freely of our time and money. But should it really matter to us which candidate wins or keeps the leadership and holds it until the next challenge? These people are almost without exception unprincipled or second rate. Of those few who are neither one or the other, most are simply both. Whether from inability or lack of inclination, no probable candidate for the leadership will do much to defend our threatened causes.

This being so, I suggest that our duty is to give only brief attention to the frantic struggles now breaking out in the Parliamentary Conservative Party, and get on with the jobs to which we are already committed. Like the chance combination of atoms in an Epicurean universe, these struggles may produce an unexpectedly favourable outcome. But I would not lay money on this. If the Party remains a legitimate object of our attentions, it must be so over the long term. Any attentions must be to help ensure that more honest and intelligent candidates are selected for the election after next. To this end, I am now actively working on a revival of my Candidlist project. But there is a difference between helping to make the Party worth electing at some time in the future, and giving a blank cheque to whatever clique presently holds or soon may hold the formal positions of leadership.

The Conservatives: Comments on their Psephology
Steve Davies <S.J.Davies@mmu.ac.uk>

Dear Sean,

Forgive me but I had to respond to this as it's a topic I've given some thought to over the last few years (I have written a much longer piece which I can send you if you like) not least because it fits in with the research I'm currently doing. I'm afraid that while I concur with much of what you say I disagree with some of what you say, my diagnosis is rather different and more pessimistic. I would make the following points.

1. Something missing from your account, and virtually all public discussion of this topic, is the disastrous psephology that now faces the Conservative party. Basically, after working in their

favour for most of the twentieth century the electoral system is now shafting them big time. This began in the early 1990s - that's why John Major's performance in 1992 only produced a majority of 21 despite being better than Tony Blair's in 1997 - but accelerated enormously after "Black Wednesday". According to the latest Nuffield study, given the present distribution of votes, if Labour and Conservative had equal shares of the vote the result would be an absolute Labour majority of 60. To get an absolute majority of 1 (one) the Conservatives need a lead of 11 per cent over Labour. The problem is not so much their share of the vote, it's that their votes are in the wrong places. Too many are in seats that either they hold already or have no chance of winning.

2. The above is the result of two trends. One is long term. This is the decline in the working class/lower middle class Conservative vote in the older urban areas, which has been going on since the early 1960s. The result, by the later 1980s was that the Conservative vote had become very concentrated, in a combination of rural and, primarily, suburban seats. (The decline in the old industrial areas stopped in the mid-80s but all that's left is a very loyal but residual vote). The other trend is short term. This is a defection of middle class suburban voters since the early 1990s. This started about 1990 but the big move came after the ERM debacle. In absolute terms the Tories lost about 20 per cent of their vote or to put it another way 8 per cent of the national vote, putting their share down from 40 per cent to 32 per cent tops. This shift had a huge effect because it was disproportionately concentrated in suburban seats, particularly in the south east, and it's that which produced the massive shift in seats and leaves them looking up from an electoral black hole.

3. Why did these voters move? And, more importantly, why have they shown no signs of coming back? I think the evidence of various kinds is clear. These voters increasingly did not like the Conservative party as the 1990s went on. They liked its economic policy and didn't trust Labour but they increasingly didn't like the social agenda of the party and (more important in many ways) the Tory press. So in 1992 they grudgingly voted Conservative because they feared Labour's tax plans. John Major and Norman Lamont destroyed the only thing that made these voters support the Conservatives, their reputation for economic competence, while Tony Blair eased their fears about Labour economics. So far Gordon Brown has not upset (although I think that's about to change). Also worth pointing out that many voters with this sort of sociological profile see themselves as primarily anti-Tory and so are very willing to vote tactically against Conservatives - the Nuffield study reckons this cost Major about 20-30 seats in 1992.

4. Here's the key point of my thesis. I think that the above is not just a reflection of 'high politics' or the impact of personalities and policies. I think it reflects something much more profound, which is affecting right wing parties all over the world to some degree. To return to your historical comparison. What Bonar Law and Baldwin did after 1922 was to put together an electoral coalition which combined the old Unionist and much of the old Liberal vote, while capturing a substantial part of the new electorate created by the 1918 Act. The ideology they articulated, which this coalition could support more or less, combined economic liberalism, political conservatism, social conservatism and a certain kind of nationalism or rather articulation of a particular kind of sense of national identity. The context for this was the emergence of a new mass electorate, the international situation created by a successful communist revolution in a major state, the appearance of socialism (rather than liberalism) as the main ideological threat within Britain, the 'death of Liberal England' in the 1920s, and a more settled view of national identity brought about by the ending of the issue of constitutional reform and the Irish question.

5. All of this worked well for many decades. The kind of package put together by Bonar Law and Baldwin remained the one articulated by most Conservative politicians from Baldwin to Churchill to Powell to Thatcher to Major. (The Heath period can be seen in retrospect as an aberration with Thatcher marking a return to the original set of ideas and language). Obviously there were shifts,

notably the abandoning of Empire as an important element of the sense of national identity but the package remained coherent until the 1980s.

6. However, it has now become incoherent. Simply, the electoral coalition put together in the 1920s has split into two sharply distinct and increasingly hostile groups of voters. This happened between about 1989 and 1997. So the split in Conservatism today is not just a matter of divisions within the Parliamentary Party or the wider Party. It's a split in the electorate. That means the issues facing the party are much profound than a matter of who the leader should be. It also makes everything far more problematic, given our electoral system.

7. The two groups of 'right wing' voters today can perhaps called Tories and Whigs. To use stereotypes, Tories are older, of either below average or well above average income, live in seaside resorts, rural areas and older industrial areas. They are *Daily Mail* and *Telegraph* readers, they are strongly socially conservative, very hostile to the EU, dislike multiculturalism and favour very strong controls on immigration, are supportive of the war on drugs. They are hostile to socialism and much of the welfare state but support some parts of it such as the NHS (for now). Although they generally favour free markets this is becoming less true all the time. They increasingly do not like globalisation and dislike large corporations. Whigs are younger, average to above average income, and live in suburban areas including suburbanised parts of the countryside. They are economically liberal, often very much so. They hope that the government is going to sort out the welfare state but suspect it isn't and are becoming increasingly hostile to it. They are very socially liberal, much less bothered about immigration and dislike anti-immigrant campaigns. They favour relaxing laws against drugs or outright legalisation, they are very relaxed about homosexuality. They don't like the EU particularly but don't have the visceral hostility of the Tories and they don't like appeals to nationalism because they have a very different sense of national identity to the Tories. They like and support many kinds of multiculturalism. Many read the *Telegraph* but they are also *Times* and *Independent* readers. They absolutely **hate** and despise the *Daily Mail*.

8. In 1997 a large number of these Whig voters moved directly to New Labour, where they have stayed. One reason for that is the 'dog that didn't bark', *i.e.* the complete and utter failure of the left to challenge Blair. The problem for the Conservatives is this. To recover they need to get these Whig voters back. The problem is that, increasingly, Whig and Tory voters just do not like each other. Policies and, above all, rhetoric that appeals to or inspires one group of voters will alienate the other. So having a campaign concentrating on attacks on asylum seekers, family values and national sovereignty will inspire the Tories but alienate the Whigs. Emphasising personal liberty via 'hot button' issues like homosexual rights and drug liberalisation will please Whigs but enrage Tories. Tax cuts and reducing the size of government appeals to both but (a) the Tory voters are starting to turn against economic liberalism and (b) at the moment the government is getting the benefit of the doubt so this is not effective. This will change in my view but not for a few years yet.

9. The logic of my argument is that it is not clear that one single party can now represent the 'right' side of the electorate because there is no longer a coherent bloc of right wing voters with a broadly shared world view. Instead we now have two distinct groups who are increasingly mutually antipathetic. (This is very similar to what happened to the formerly fairly coherent Liberal voting bloc in the 1909-1929 period). If we had PR this would not matter - in that case both of the big parties would split and we would have a multi- party system. The reality is that we don't and any split in the Conservative Party now would see it suffer the fate of the old Liberal party. There are two kinds of option open to the Conservative party. One is to go whole heartedly down the Tory route, which would mean becoming a populist right party combining nationalism, social conservatism, free markets (in one country?) while defending much of the welfare state. This would consolidate a Tory vote but would lead to further losses in suburban areas, above all in Greater London. To have any chance of success there would have to be an attempt to appeal to another

group of unrepresented voters *i.e.* Old Labour working class voters who combine left wing economics with strong social and political conservatism and a traditional sense of national identity (David Blunkett is the politician who articulates this group's views most clearly). This would mean shifting to the left on some economic issues. The other route is to become thoroughly Whig and espouse a platform that combines radical economic liberalism with social libertarianism while playing down or radically recasting the nationalism. This would involve dumping on the Tory voters, who would be treated in the way that Blair has treated Old Labour voters, in the expectation that the electoral system will shut any effective threat from the right, just as it has from the left. Of course the ideal would be to somehow combine both but that is what the leadership under Hague and IDS has been trying to do and my analysis suggests this may not be possible. One problem is the destructive role of the press, above all the *Daily Mail*, with its obsession with sexual politics. However it's a very successful paper precisely because it **does** articulate the views of a large constituency. However if the Conservative party is seen to respond to it it will not get back those Whig voters that it needs. (To the extent that New Labour responds to that kind of agenda, it drives new NL voters to the LibDems).

10. Of course I'm not considering the impact of "events, dear boy, events". There are several things that could bring about a transformation of the political landscape such as a failed war in the Middle East (not very likely), a war of any kind causing a huge split in the Labour Party (again not very likely) or a major currency/political crisis in the EU (more likely but not by much). One thing that would have a big impact would be the LibDems getting their act together. If they abandoned their present position to the left of New Labour and went back to their origins and became a more genuinely liberal party they would capture a lot of the Whig vote and that would probably, under our electoral system, kill the Conservative party as a serious political force. The saving grace for Tory MPs is that the bulk of the LibDem membership is public sector professionals so this is not likely in the absence of outstanding leadership (from Charles Kennedy? Nuff said).

11. What will happen? My guess is the Whigs will finally capture the party outright fairly soon. This will probably precipitate a huge war with parts of the right wing press & intellectual class. I think there is a serious chance the party will split but on balance I don't expect that to happen. You don't know however - the last three leaders have all won because of who they weren't because the party wanted to avoid a split. The combination of ideological differences and personal hatreds, both reflecting a deeper sociological divide, is now so intense that it may override common sense, just as it did with the Liberals after 1916.

Sorry to go on so long but I feel you and Brian can't have this little argument all to yourself! Keep up the good work.

What is Wrong with Gay Adoption?

Sean Gabb

(Published as *Free Life Commentary* 75, 7th November 2002)

Iain Duncan Smith may have been right earlier this week when he said that the revolt against him in the Parliamentary Conservative Party had nothing to do with the issue of adoption by the unmarried. Certainly, it was unwise of him to insist that his followers should vote against the Government on the issue. At the least, it provided the equivalent of an adjournment motion - an opportunity to vote on something of no intrinsic importance, but that could be used to measure opinion on some other issue. If he is now in serious trouble, that is entirely his fault. However, let us forget about the sorry internal politics of the Conservative Party, and turn instead to the substantive issue. Should unmarried couples - and the real argument is over homosexual couples - be prevented by law from adopting children?

Now, this is a complex issue, as it involves the rights of others besides those proposing to adopt. Mostly when people talk about "balancing" rights, they are using the word as a cover for denying rights. But where children are concerned, there must be a balancing. Below a certain age, they are unable to conceive and articulate, let alone seek enforcement of, their rights. Therefore, it is for others to act on their behalf. These others are usually the authorities. So how much control over adults should the authorities be able to exercise for the sake of protecting children?

I say that there should be no control over the right of people to produce natural children. Undoubtedly, many people will make grossly unfit parents, and will bring children into the world whose lives are a burden to themselves and to others. But the principle, once established, of limiting the right of certain people to procreate is illimitable. We might start by preventing criminals, the mentally subnormal and those suffering from hereditary disorders from having children. But the prevention would soon be extended to many other classes of people. It cannot be predicted how and when these further preventions would be made, but circumstances would provide opportunities, and these would be ruthlessly used by the "child welfare" agencies and all the independent moral entrepreneurs with an interest in the matter. We could easily end with a system that amounted to positive licensing of childbirth. The fact that this did not happen after the Mental Deficiency Act was passed is no argument against caution now. The eugenic laws of the early 20th century were made in a cultural environment less hostile to freedom than our own; and the relevant special interest groups were less well-financed and institutionally powerful. Leaving people to bring children into the world as and when they please will have, as it always has had, unfortunate consequences - but these are far less unfortunate than those of regulation.

However, these considerations do not apply where the right to adopt is concerned. Here, the relationship is not one of nature but of artifice. Natural procreation does not require any legal process. Adoption does. It involves a formal, premeditated apportionment of rights and responsibilities. This being so, it is both legitimate and without obviously dangerous consequences for the authorities to enquire whether the rights in question will be respected and the obligations reasonably discharged. It needs to be asked whether an adopted child is likely to be well fed and clothed, to receive sufficient education, and be generally fitted out with those habits and skills productive of happiness as commonly defined.

This line of reasoning can be denied. But would those denying it be happy to allow people to adopt who have been in prison for killing their natural children by neglect? How about the severely disabled? How about the utterly feckless? As said, limiting the right of such people to produce natural children might easily lead to a universal tyranny. But creating legal relationships with the children of others is surely a different matter. Therefore, the question is not whether the right to adopt should be denied to the unfit, but who the unfit may be. This brings me to the matter of adoption by homosexuals.

Now, many homosexuals would still be denied adoption rights under the Government's proposed law - as would many heterosexuals. The law is not being changed to allow anyone to adopt, regardless of how they behave, but to end the limitation of adoption rights to married heterosexuals. There is no suggestion that the kind of men who offer themselves to strangers in public should be considered as adoptive parents, or men who pass rapidly from one unstable union to another. The authorities would continue to enquire about the stability of unions and the respectability of partners - but would no longer concern themselves with marital status or the gender of partners. So far as I can tell, homosexual unions are frequently less stable than those of heterosexuals. Whether this is because homosexuals lack the stabilising institution of marriage, or on account of more profound causes is not something I am competent to discuss. But I have come across some stable unions, and they do not seem to be that uncommon. If, then, stability of union were the only criterion, some homosexuals should qualify as adoptive parents.

But stability is not the only criterion. There is the positive welfare of a child. One argument frequently stated is that children need a home life with parents of opposite genders, and that it does no discredit to homosexual couples to say that they are by definition unfit to be adoptive parents. I do not think much of this argument. Millions of children in Europe grew up in the 1920s and 1950s without a father; and if they mostly had a hard financial start in life, I have seen no evidence that they suffered in any other way. Furthermore, it takes little acquaintance with history and anthropology to know that, while it is a natural institution, the family has greatly varied in shape according to circumstances of time and place. A nuclear family of two men or two women plus children is far closer to the British norm than many other family structures that have existed or do exist.

To be fair, this argument is usually advanced as a cover for a set of religious views about the sinfulness of homosexuality. Some people oppose adoption by homosexuals because they believe it is a public endorsement of filthiness. The detailed objections here - though I will not be very detailed - are of consistency and interpretation. The clearest New Testament injunction against homosexuality comes when Paul lists "them that abuse themselves with mankind" among those who will be denied entry into Heaven. This phrase is translated from the Greek word "arsenokoites", which may not bear the meaning normally placed on it. There is no history of its use in this sense before the letters of Paul: the earliest unambiguous definition of the word as one who practises homosexual acts come to us from over a century after Paul died. There seem to be much clearer injunctions in the Old Testament - and, since I do not understand Hebrew, I will assume that they have been correctly translated into English. However, I cannot think of any Christians who have the right to rely on them. The words in *Leviticus* "thou shalt not lie with mankind as with womankind: it is abomination" are surrounded by equally positive insistence about diet, clothing manufacture, land tenure, debt management, and livestock keeping, that are ignored by everyone except a few devoutly orthodox Jews. Why clothes of mixed fibre can be worn without objection is a question worth asking of those traditionalist Christians who rely on *The Bible* to argue against legal and institutional equality for homosexuals.

The less detailed, but more prosaic, answer is that England is not a devoutly religious country. I am not, I will say here, a secularist. I believe that England is lucky to have an established church, and I do think it worthwhile to continue insisting that England is in a loose sense a Christian country; and I even believe that the established faith should enjoy certain decorative privileges. These things make in practice for a religious harmony lacking in many formally secular countries, and they are part of our national character. I have no time for those who insist that Christmas should be renamed "Winterval" to avoid offending non-Christians; or that the growth in numbers of Moslems and Hindus should be made a reason for institutional or ceremonial changes. Even so, I see no good reason for letting the priests of any church, established or otherwise, demand a legal structure in which people are told how to lead their personal lives. And as I appear to be in the majority on this issue, I will give it no further discussion.

There is, though, a stronger argument from the welfare of an adopted child. Put bluntly, would a boy adopted by two homosexuals tend to grow up as a homosexual himself? I do not really know what determines sexual preference, but I suspect that there are three classes of people: those exclusively homosexual, those exclusively heterosexual, and a very much larger number of those whom circumstances can incline in any direction. This being so, the answer to the question is probably yes: a boy brought up by two homosexuals might be as inclined to become one himself as a child in a legal or a medical family is to take up medicine or the law.

Is this bad? I do not need to give consideration to the view that any boy so brought up would be condemned to burn everlastingly in the lake of black fire - though I will say that those who believe this often believe that the same fate attends those brought up in rival faiths, and they do not usually

make the same fuss about that. But there is some evidence that homosexuals have a greater than average chance of being unhappy. I will not consider any statistics about physical or mental disorder, as these statistics are based only on those homosexuals who reveal themselves: there are probably many more than people notice, and this must bring all generalisations into doubt. Nevertheless, homosexuals were until recently a despised and persecuted minority; and, in spite of all the politically correct talk about the equal validity of lifestyles and the need for universal respect - of everyone, that is, except the politically incorrect - I suspect they are still not popular. Therefore, a truthful answer to the question might be yes - it would be cruel to let a child be brought up in such a family.

Here, I find myself announcing the rather odd principle that we should subject people to legal discrimination whenever they are also subject to social discrimination. But, though apparently odd, this does make sense where the adoption of children is concerned. We cannot devise a system in which adopted children are guaranteed happiness. But we can avoid putting them into families where it is highly likely that they will be made unhappy - not by their adoptive parents, but by society at large.

However, the further question to be asked is just how bad would it be for child to be brought up as a homosexual? Had the matter of homosexual adoption been raised before the 1980s, my own opinion would have been against. My reason would not have been that I disliked anything about homosexuals in themselves, but that others did. But attitudes have changed during the past few decades. If homosexuals are still unpopular, they are regarded as no worse than Jews, and probably much better than Christian Scientists and national socialists - and possibly rather better soon than smokers.

On this point, I can supply a little evidence. It is not based on a very large sample, but it may be indicative of opinion even among the most conservative. About a year ago, I stated a case on some Eurosceptical Internet discussion groups. Suppose, I asked, you were a Conservative activist sitting on a parliamentary candidate selection committee. You must choose between two prospective candidates. One is a devout churchgoer married with two children, the other an open homosexual. The churchgoer believes that Britain's place is "at the heart of Europe" and he promises that he will do all he can to get Britain into the Euro. The homosexual is an adamant Europhobe who promises to work with all his ability to get Britain out of the European Union. As I had made up the case, I replied to anyone inclined to go beyond the stated facts that they were exactly as stated them: there were no hidden scandals on the one side, nor lack of honesty on the other. I had over a hundred responses to my case - many of them from the alleged "blue rinse brigade" of the Conservative Party. Only one person came down in favour of the Europhile churchgoer. Perhaps I was addressing myself to a group of people more than usually concerned about the European Union. But I do not think they were unrepresentative of opinion within the Party as a whole. If homosexuals are unpopular, they are not exposed to the same venomous hatred as in the middle decades of the 20th century.

This being so, I can think of no reason for keeping the law as it is. Homosexuals should be allowed to adopt. As said, enquiries must be made on other grounds regarding fitness to adopt. But the principle that sexual inclination in itself should be a bar to adoption cannot be justified.

Before ending this article, one further argument comes to mind. This is that homosexuals are so depraved that they want to adopt simply to get control over young flesh. I look forward to seeing evidence for this. I have seen none myself. Nor do I believe that the overwhelming majority of homosexuals who want to adopt would think in these terms. There is an almost universal human prejudice against incest, and this is generally shared even in those families where there are no connections of blood. Before this particular argument can be viewed as anything more than a

scandalous accusation, better evidence must be produced than I have seen - or than I believe can be seen.

So there it is - a rather hesitant yes to the principle of homosexual adoption. If I were a Conservative Member of Parliament, I hope I should have had the courage to ignore Mr Duncan Smith's orders the other night. On the other hand, I will not roundly condemn those who obeyed him. This is a complex issue. Principles can be stated, but their application depends so much on evidence and even on interpretations of evidence, that the issue ought never to have been classed as party political. Mr Duncan Smith deserves his crisis. I did once hope for better than this, and I am still disappointed.

Hunting Paedophiles in England: Present Madness, Future Shame
by Sean Gabb
(Published as *Free Life Commentary* 88, 17th January 2003)

During the past few days in England, paedophiles - never far absent - have been back in the news. First, there was the arrest of the popular musician Pete Townsend for alleged possession of child pornography. Then there were the allegations made against Matthew Kelly, a television entertainer, that he had been sleeping with boys below the present legal age of consent. There are claims that other entertainers are under suspicion for the same offences, and that even two former Cabinet Ministers are being investigated for child pornography offences.

Though very much the junior partner, paedophilia is with racism one of the two words best guaranteed in this country to send otherwise brave and rational commentators running for cover. To discuss it in any but the most luridly condemnatory terms is to risk bringing suspicion on oneself. In this respect, it is rather like witchcraft or heresy during the sixteenth century. The temptation is to say nothing or to join in the chorus of disapproval.

However, though not specially brave, I am fairly rational; and I know that there is little that can be done to me for speaking my mind on the subject. I do not sleep with children - Mrs Gabb would at the least disapprove - and I do not possess any child pornography. So I will speak my mind.

To begin, I do not agree with some libertarians that there should be no age of consent whatever; and that children should be regarded by the law in the same way as adults. There is an age for everyone below which lack of rational faculty and lack of experience makes valid consent to any unusual or dangerous act impossible. I do not know what this age is - and I accept that it may differ widely between individuals - but there is good reason for giving persons below some age a special status in law that prevents them from making many decisions for themselves, and that imposes various responsibilities on those adults around them.

This being so, having sex with children below some age ought to be a crime. Sexual acts are always potentially dangerous. They are a means by which often fatal diseases may be communicated; and some sexual acts may cause physical injury - especially with the very young. For pubescent girls, there is also the risk of pregnancy. Then there is for children the possibility of spiritual harm. Sexual intimacy may give rise to expectations of a more general attachment that is not intended to exist. And that a child has consented to have sex with an adult - however invalid the consent - may bring it into a widespread and long term disrepute that could not have been reasonably foreseen. For these reasons, I do believe that having sex with children below a certain age ought to be a crime for adults, and that convicted criminals ought to be sent to prison. And the severity of punishment should be greater in those cases where the convict enjoyed a position of authority or other influence

over the child. As said, I do not honestly know what this age of consent should be - I would suggest 14, though with hesitation - but that there ought to be some age of consent strikes me as obvious.

This is not, however, to endorse the conventional reaction to paedophiles or to those accused of paedophile acts. The demanded - indeed, often the actual - legal treatment of such crimes shows a lack of humanity and common sense that, one day, I am sure, will be regarded with the same astonished horror as we now regard the treatment of heretics. Certainly, there are acts classed as paedophile that deserve punishment and even severe punishment. But with these acts, too often are included acts that ought not to be criminal or that deserve trial according to far more sensible rules of procedure.

When I say that some acts should not be crimes, I specifically mean possession of child pornography. By all means, those who produce such images by persuading children to take part in sexual acts, and those who commission such images, should be treated as criminals. But possessing such images, and even distributing them when produced abroad, should not be a crime. This latter point I would justify on the grounds of disapproving any extraterritorial jurisdiction to states: to punish people for crimes committed abroad involves an extension of control that can easily slide into a general tyranny. So far as possession is concerned, this involves a policing of the imagination that is inconsistent with liberal democracy. And this policing of the imagination is all the more inconsistent so far as the present British law makes no distinction between actual images and "pseudo-photographs" - that is, images that may have been produced without the involvement of any child. Moreover, because proving crimes of mere possession does not require third party testimony, or any objective evidence, it gives the authorities the power to destroy people on the basis of planted evidence.

It may be said that the possessors of child pornography are giving an incentive to its production. Perhaps this is true. But allowing this argument establishes a principle that is capable of almost unlimited extension. Employing children as coal miners is a crime in this country. We import coal from Columbia, where children are employed as coal miners. We import other goods from countries where children have been employed in the manufacture. Should this make us criminals? Should there be laws against importing such things? Answering yes to the former would be absurd, and to the latter would, at the least, give a mass of commercial interests reason to demand protection for themselves that would soon close the country to most foreign trade.

We are perhaps justified in thinking less of those people who have a known interest in child pornography. But I fail to see why they should be treated as criminals of any kind. I certainly deplore the hysterical denunciation these people receive from politicians and the media. I will also note the misuse of scarce policing resources. When Pete Townsend was arrested at his home in London earlier this week, he was visited by 12 police officers. Were there no burglaries that day in London? No muggings? No rapes? No murders? Was sending out a dozen strong officers to arrest a small man in late middle age an entirely rational use of police manpower? It may easily be doubted.

I turn now to rules of procedure. I understand that some of the allegations against Matthew Kelly involve acts committed in the 1970s. A few years ago Garry Glitter and Jonathan King - also popular entertainers - were charged with offences sometimes dating back to the 1960s. Surely there ought to be a bar to investigating such ancient crimes. Even when everyone is acting in good faith, memories are unreliable after so many years have passed. Where murders are concerned, there may be forensic evidence. For other crimes, there may be numerous witnesses. But allegations of child sex from 1965 or whenever can be based on nothing more than the assertion of one person. This gives open season to blackmailers and the vindictive. Despite a formal burden of proof on the prosecution in this country, in practice it is often for the defence to disprove accusations. How can acts alleged to have taken place decades ago possibly be disproved?

And even if it is not malicious or driven by some financial motive, there must always be some doubt regarding the value of witness testimony from so long ago. Let us suppose that I had been bugged by my games teacher in 1973 - I was not, by the way: I generally absented myself from school on games morning, and was partly in consequence a somewhat unprepossessing youth - what should I have done about it? The obvious answer is that I should have complained at the time. If, for whatever reason, I chose not to complain, I should have put the whole matter from my mind and kept a stiff upper lip. What sort of person is it who spends thirty years fretting over so comparatively trivial an assault, and then runs sobbing to the police? I should rightly feel ashamed of myself if I were to have become that sort of person. And the fact of my complaint after so long ought to indicate a mind so disordered that my testimony was accounted worthless. It is not entirely the fault of juries that they frequently do not disregard such testimony - though the jury in the Gary Glitter case did disregard it. It is far more the fault of the authorities for giving credence to such testimony and letting trials go ahead purely on its basis.

No - as with the investigation of adult homosexual acts - not that these should be crimes at all - I would set a limitation of three years, after which complaints could not be received.

I have no reason to suppose that either Pete Townsend or Matthew Kelly are guilty of any of the criminal acts so far alleged. But if they are, I devoutly hope they get away with them. All being said, though, I cannot help being curious about the names of the two former Cabinet Ministers. If they are the men I suspect, perhaps no accusation can be too base or scandalously unjust not to be entertained against them.

Hunting Paedophiles in England: Replies and Responses
by Sean Gabb
(Published as *Free Life Commentary* 88a, 21st January 2003)

The latest issue of *Free Life Commentary* ("Hunting Paedophiles in England: Present Madness, Future Shame, 17th January 2003) has attracted a number of replies. Normally, I either respond privately to replies or ignore them. Doing the latter is a disgrace for which I have already apologised at some length (see *Free Life Commentary*, issue 80, 28th November 2002). The former, though, is often a poor use of my readers' time and effort. They reply to a public message and get only a private response.

Therefore, I will begin a new custom, of quoting and responding publicly to the more typical or interesting replies. How I do this the first time does not necessarily set a precedent for the next. But I think it useful to omit passages that I do not think need a formal reply, and to make light and silent corrections to quoted text. Perhaps in future, I will simply quote all postings in full. Perhaps I will simply publish them without a reply. I do not yet know. Certainly, I will only discuss an article once. Unless there is compelling reason to break the rule, I do not have the time to enter into detailed public discussion. I apologise for this, but must eventually draw a line so that I can move to another subject.

I will normally not give the names of correspondents. If any of you, my Dear Readers, wish, however, to be named, please do say in future replies.

First Reply

One of my readers replies as follows:

...I am once again amazed and puzzled by your approach. You appear to argue... that sexual intercourse with children 'ought to be made a crime' and you list reasons why.

What amazes me about your argument is that any rationale as to why you think such acts should be a 'crime' - ie warranting legislation to make it an indictable offence....

However you do not give any reason as far as I can see that such acts are morally wrong. That is they are offensive and wrong for their own sake and not merely for certain pragmatic reasons that may follow as a result.

Is it not morally wrong for intercourse with a 'child' on any grounds, or on any occasion? Furthermore, is it not at the same time an offence against the parents (and family) of any such children? Also, since the family unit and sexual relationships are all part of a God-given order, this would be offensive and sinful in the eyes of God the Creator too.

Please elucidate. Thanks

Second Reply

Another replies as follows:

Transgressing the age of consent (whatever it is) to be an absolute offence, with conviction necessarily involving prison.

...[t]he involvement of the criminal justice system has made a complex and sensitive situation worse. Where the child has been a willing partner and is clearly very fond of the partner, seeing their partner sent to jail for something that was so good, seems highly likely to produce quite severe and long-lasting psychological stresses in the child - and this ignores the effect of prison on the older partner....

I... would suggest that a criminal prosecution should be required to demonstrate 2 things (in addition to sexual activity): the presence of force, either physical or mental, or undue influence; and that the prosecution is in the best interests of the under-age party. In the absence of adequate evidence to this effect, the [Crown Prosecution Service] should refuse to prosecute and the case should be transferred to a 'Child Court', where the principal object is the well-being of the under-age party, rather than the punishment of the older party.

Third Reply

Several years ago I was staying at a ski chalet with two policemen. In the course of dinner time chat they mentioned they mentioned that their wives were employed by the County police force expressly to locate members of the public at random to identify paedophiles via the Internet. At the time it struck me as appallingly agent provocateurish, but since then it has become much worse. I imagine all police forces have a team of such people. Their husbands incidentally virtually frothed at the mouth over the concept of such vicarious paedophilia.

If one follows the logic if there is any of the argument, then how can there be any sense in happily allowing men, and presumably women, to log onto obscene pornographic sites with impunity, and not claim that their actions must make them more inclined to rape? I doubt that it does. You could argue that the sexual relief might indeed make them less likely to do so. Do Jeremy Clarkson's efforts lead to more car crashes?....

You might also have discussed 'abuse' whatever that ridiculously vague word can mean. Clearly the public think that all such identified cases must mean vaginal or anal intercourse, but do they? Has anybody done a little research through court papers to establish a percentage? I remember my grandfather insisting that at the age of four I kissed him goodbye. He had a walrus moustache which was like being scrubbed by a door mat, and I dreaded the time to say goodbye. Was that abuse?

Fourth Reply

[having an age of consent varying according to the moral development of each child] would... be extraordinarily difficult to implement without appalling extension of State power.

...I'm left with the default position of supporting the imposition of arbitrary age limits by State power, and a suspicion that defensible philosophical consistency might only be achieved by having a single legal age of responsibility below which everyone is treated as a child (i.e. unfree) in all matters and above which everyone is treated as fully adult (i.e. free) in all matters, but I'm not at all happy with such a position.

Fifth Reply

What I am curious about is that, according to press reports, over 1,000 people have been arrested for downloading child sex images, a crime whatever the excuse. This has included 'police officers, social workers, judges, probation officers, teachers and politicians. Yet only 30 or so have been arrested. I wonder how decisions will be made about who will be and who will not be prosecuted are being made.

Responses

I will begin with the first reply, which is the most critical. I do not think we shall agree on how to regard the legal status of moral judgements, so I will do no more than outline my own view, and let the disagreement stand.

That an act is morally wrong is no reason in itself for passing laws against it. The purpose of the criminal law is not to enforce morality, but to punish and therefore deter attacks on life and property. Given a framework of just laws - which we do not currently have, it is to be noted - all criminal acts will also be immoral. But not all immoral acts will be illegal. For this reason, I do not need to say whether I think having sex with children is in itself immoral. Even if I thought it was, it would not automatically follow for me that there should be laws against it. That is why I took the approach I did. If having sex with children ought to be made illegal, it must first be shown to involve harms that can be reasonably quantified.

Turning to the use of a religious argument, it may be that having sex with children is a breach of the divine order. But, again, this is no reason for the criminal law to intervene. All offences against God will doubtless be punished eventually by God acting in His capacity as supreme lawgiver and judge. But such offences, I repeat, should only come within the scope of human law when they can be shown to produce quantifiable harm to the lives and property of other individuals, or clear and immediate harm to the existence of the whole community.

The second reply makes a point that I should have made myself - or that I did make, but not explicitly. This is that not every case of child sex can meaningfully be called an assault. Quite often, the child itself makes advances, and the adult is guilty at best of weakness, not of rape or even seduction. Very often, there may have been a seduction. Even here, though, the consequences of intervening may be far worse than of leaving alone. Again, I should have said something rude about the "child welfare" agencies. These have acquired the most terrifying and unaccountable powers to destroy family life and to drive what would might otherwise be moderately unhappy children into the blackest despair. It is not enough to say that the powers of these agencies are open to abuse. The powers themselves are an abuse.

Of course, these agencies are bureaucratic institutions, and are subject to the same general laws of expansion as any other. Those employed within them have an interest in believing - and getting others to believe - whatever will enlarge their status and income. Therefore the continual hysteria about offences that are never clearly defined. Here, I can only refer my readers to the final paragraph of the third reply. Words are continually given the blackest colouring and then applied to actions that often are barely grey. This is to be expected. What would be the fate of these institutions if it became generally accepted that hardly anyone actually needed their services?

My response to the second reply is not to impose another set of bureaucratic procedures in this most delicate area - even if it is a better one than we presently have. I would simply have the authorities end their inquisition. By all means, let them intervene in cases where obvious and indeed scandalous harm is being caused - but not otherwise. We do not live in a perfect world; and after two centuries of failed attempts to make it that, we should accept that living with imperfection is often the least bad option available to us. Let us end the inquisition. Some children will doubtless be made more unhappy than they would otherwise have been, had there been some scheme of pre-emptive intervention. But millions more will be happier and healthier not to have their elders reduced to nervous wrecks every time a kiss or embrace is offered.

I go further. Whenever institutions are established that bring strangers into close and loosely supervised contact with children, these will inevitably attract the worst sort of sexual predators. Look at the reference made in the fifth reply to all those people in positions of authority. I once had dinner with a former Special Branch officer who had been assigned to minding politicians. He

assured me that a certain Member of Parliament - still alive, and so not safely to be named - routinely used the boys' home in his constituency as a brothel. He got the choicest boys, and in return ensured protection to the management. I also know that the Palace of Westminster is crawling with prostitutes of all ages. Of course, these important men will never normally be prosecuted. They are too well protected by virtue of their positions and contacts.

The opening paragraphs of the third reply need no explaining. At the very least, what a waste of the taxpayers' money this sort of operation represents. As to the fourth reply, I wholly agree with it. As said, a perfect world is not on offer. We need to draw a line somewhere to mark a different legal status for adults and children. Wherever it is drawn, there will be injustice and at best absurdity. We can simply hope to draw a line that minimises the injustice and absurdity. I said in my original article that I have a vague suspicion that 14 might be about that age. But this is not something I will press, because I do not really know.

There are my responses. If I have not replied in full detail, at least I have quoted extensively from the replies to my original article - making about a third of the present article - and so my defects can be seen. I am inclined to write my next article about the general status of children. Doubtless, that also will draw many replies. Then again, I may write about something else entirely.

Other Articles Written by Sean Gabb about Sexual Issues:

"In Praise of Edwina Currie" *Free Life Commentary*, London, issue number 72, 30th September 2002

"Reflections on the Gary Glitter Case" *Free Life Commentary*, London, issue number 37, 14th November 1999

The Case Against Sex Censorship: A Conservative View, a monograph published by the Libertarian Alliance, London, 1992

What to Do About AIDS, a monograph published by the Libertarian Alliance, London, 1989

Sado-Masochism and the Law: Consent versus Paternalism, a pamphlet published as Legal Notes No. 12 by the Libertarian Alliance, London, 1991

"Reflections on the Case of *R v Brown*", published in *Free Life* No 18, London, May, 1993

Review article: ***The New Joy of Gay Sex***, Dr Charles Silverstein and Edmund White, The Gay Men's Press, London, 1993, published in *Free Life* No 19, London, November 1993

More on Hunting Paedophiles
John R Ramsden <jr@adslate.com>

I'm probably in a minority of one, on this board if not practically the whole country these days (apart from the paedos themselves, of which I'm certainly not one); but I reckon all this constant hysteria and publicity about paedophilia is completely misguided, because paradoxically it will very likely make the whole thing **more** publicly acceptable in the long run, certainly child porn if not directly abusing the kids themselves.

In modern times, until recently we've been in much the same situation with paedophilia as homosexuality was until the fifties. Although most people today (including myself) don't condemn homosexuality per se, it is instructive to consider the reasons for the change in attitudes since those days when it was almost universally scorned and detested, and rarely discussed in public apart from an occasional muffled explosion of publicity when a case was reported in the press.

One such reason was that a notoriously puritan home secretary, David Maxwell-Fyfe, decided to crack down on gays. As thousands of people from all walks of life, famous or otherwise, were

outed and prosecuted, people began to realize among other things just how many gays there were, and to get blase and grudgingly or jokingly accept the whole thing as a fact of life.

Of course that wasn't the only reason, or even the main one, for its increased acceptance. Obviously a younger generation was coming into its own in the sixties, and I guess it was mostly part of a wider swing towards more liberal attitudes generally. But in the long run, all publicity is "good publicity" (from the standpoint of paedos as a group), since it dispels mystery and makes the crime commonplace.

Also, has anyone noticed how the present Home Secretary always seems to announce a new paedophile campaign when the Government, and the Home Office in particular, has its back to the wall, with shootings in the street every other day and violent crime increasing all the time?

Blunkett probably has a stack of paedophile initiatives ready for just such rainy days, and if his initiative supply gets dangerously low the FBI have kindly provided months' worth more of distraction ammo in the form of several thousand names, and another few thousand on the way, from which he can pick names at a whim and throw them to the press wolves whenever it suits his purpose.

In fact the same argument applies to the Government as a whole, as they obviously benefit by diverting press and public attention from contentious issues such as the current Iraq situation.

That being the case, Labour and the hordes of professionals in the "abuse industry" (the same witch hunters who tried so desperately to root out "satanic abuse" a few years back, but never as I recall achieved a single conviction despite wrecking numerous families in their attempts) are indirectly the worst child exploiters of all, since for their own benefit today they are making it much more likely that in twenty or thirty years' time paedophiles will be merrily abusing children unchecked.

What's more, where the kiddies are deemed to "consent" it will no doubt be argued that their human rights would be violated by any restraint on their activities. So of course those in the human rights industry will also get a piece of the action.

Is There a Right in Ireland?

Sean Gabb

(Published as *Free Life Commentary* 78, 18th November 2002)

Earlier today, I took part in a discussion broadcast by a Dublin radio station. Speaking by telephone from London, I explained why foreign aid is a bad idea. It is the negation of charity for a government to take money from people and to give this to other people, no matter how hungry they are. Charity is by definition an act of choice: interpose the tax gatherer between doner and recipient, and there is no charity. Regardless of its moral status, it is also an unwise transfer of funds. As Peter Bauer once said, foreign aid is the process by which money is taken from poor people in rich countries and given to rich people in poor countries. Very little of the aid ever reaches the advertised recipients. At best, most of it is stolen by those in charge of distributing it. At worst, it becomes a cushion for corrupt and oppressive ruling classes. They can insulate themselves from the effects of their policies. Directly or indirectly, they can get the money to pay the security services on which their power rests. Much better than aid, I said, was free trade with poor countries. That does raise incomes. I would have gone on to claim that two people every minute die of hunger because of the European Union's agricultural tariff and subsidy policies - but half an hour was not long enough to get round to that.

I made these rather basic points, and made sure to do so politely and with citation of evidence. They seem to have astonished the presenter and almost outraged the charity worker who was on to put the other side. The response surprised me. In England, what I said is effectively the received wisdom - so much so that Mr Blair is able to use similar arguments in his attack on the Common Agricultural Policy. Yet these points seem to be unknown in Ireland - undoubtedly, the radio station researchers had to find an Englishman to make them on air. What a strange country Ireland must be - sandwiched between England and America, speaking the same language, and yet so apparently cut off from the mainstream of political debate.

This is what I want here to discuss. Though I wrote a short book about the subject last summer, third world poverty does not greatly interest me, but Ireland does at the moment. Looking through my various libertarian and conservative mailing lists, I have over ten thousand e-mail addresses. Most are from America, followed by the United Kingdom, followed by continental Europe, followed by the white dominions. I have a sprinkling of Africans and Asians. But I cannot find anyone from the Irish Republic. I have never so far bothered to notice this fact. I have now, and it surprises me. What is happening in that country? Is there a libertarian movement? Are there any conservatives there who stand in the tradition of Edmund Burke and David Hume?

Of course, there are libertarians in Ireland. Libertarianism is a universal ideology, and can be and is embraced by people regardless of place and perhaps also of time. I have found libertarians among my Chinese and Japanese students. There must be plenty in Ireland. But what about conservatives? The answer here is possibly not. My problem is that, despite having an Irish name and Irish friends, I know almost nothing about the country. I know much about Ireland before 1922. Its history then was intimately connected with that of England, and a knowledge of the Irish Question in all its depressing complexity is essential to understanding English politics and foreign policy. I know more about the modern Ulster dispute than I wish to. But the Irish Republic since partition - I know almost nothing about that, and so I cannot answer my question. As said, though, I suspect the answer is no. My understanding is that the country is in the political sense often self-consciously foreign. It mostly lacks the class-based politics that have divided opinion in England since the 1880s. This means that it has avoided both socialism and anti-socialism during the past century, and has instead had a political scene as corrupt and boring as our own is becoming under New Labour. Also, the Irish appear to define themselves very largely as not English. They have not escaped the death of their language since they achieved home rule, or a cultural subjection to England that has their newspapers giving equal prominence with Irish to British television and radio stations. Nor have they much changed their legal system. But they have played up their spiritual allegiance to the Church of Rome, even giving it some kind of established status. This gave a European tone to their public life for many years. If that religious allegiance is now in rapid decline, the new secular tone is perhaps even less English, being a reaction similar in nature and effects to those in the Roman Catholic countries of southern Europe. And, of course, they are much more positive about European integration. What reservations I have noticed among the Irish about the European Union are not concerned about the fundamental issues of national independence, but with how much money can be extracted from Brussels, and on what terms, and how enlargement might alter the balance of financial advantage.

Perhaps this means that there are plenty of Celtic nationalists in Ireland, and mystical national socialists, and christian democrats, and ultramontane reactionaries; and there may be any number of the pro-business technocrats who have dominated the English and American conservative movement since the 1960s - but no conservatives of the sort that I might recognise. If so, the absence of Irish addresses from my mailing lists should not be surprising. Perhaps I should go back to paying Ireland no attention whatever, except so far as it may come into any plans I devise for settling the Ulster problem.

But surely I am wrong. Surely there are Irish people who regret the loss of old institutions and landmarks - erased by the downward homogenising forces of the European Union and the New World Order. Granted, most of what they are losing is not indigenous to them. Perhaps they do not feel the same outrage as most English people at the imposition by law of the metric system and the replacement of the pound by the euro. Perhaps they are indifferent to the county and the jury and to the stealthy introduction of the *Corpus Iuris*, and are not much bothered about whatever else is under threat. After all, they are only losing things that were themselves imposed on them after a somewhat less gentle conquest than the present one. On the other hand, what they have from England may not be an indigenous heritage, but it is their heritage nevertheless. Four hundred years is a very long time. Things that in the reign of James I might have been frighteningly strange, and in the reign of William III fringed with hatred, had become part of the unconsciously accepted cultural landscape of Ireland by the Reign of Queen Victoria. Perhaps they are so still.

Does this count for nothing in modern Irish life? Is there no time since before the Elizabethan conquest on which the modern Irish can look back with nostalgia? Can they find nothing in their long relationship with England that can let them make common cause against a common enemy? Do they not in any sense still see Trafalgar and Waterloo as also their victories? Do they not even vaguely see Newton and Darwin - or Hume and Adam Smith - as their fellow countrymen? Are they not proud of Edmund Burke and William Lecky? If so, this is the effect of recent propaganda. Without a hint of conscription, large number of Irishmen from the south joined up for King and Country in the Great War. Without even a declaration of war from their own government, large numbers again joined the forces after 1939. Is all this gone, replaced by mingled hostility and incomprehension? Does the Irish mind now function wholly within the bounds set by Wolfe Tone and Roger Casement - willing to accept any ideology or European alliance that is at odds with England?

Again, these are questions that I cannot answer. Here I am - with my Irish name and Irish friends, just a couple of hours away from Dublin. I need neither a foreign language nor a passport to go and stay there. Nor would a journey be particularly expensive. Yet I know next to nothing about the place. Ask me who are the Czech and Slovak ministers of the interior, and I can give the names. Ask me for a list of the prime ministers and their biographies in those countries since 1990, and I can readily oblige. I do not even know the titles of Irish cabinet ministers - have they a Home Secretary? Their current Prime Minister is just a name to me. I do not know what he looks like or what he claims to believe. I do not know who was there before him, and am only aware that the Irish have a President because their last one has obtained some position at the United Nations that gets her fashionably stupid opinions occasionally into the English newspapers.

How strange. But how much stranger that, until this morning, I had never even noticed my defect of knowledge.

Should the Elgin Marbles be Returned to Athens?

Sean Gabb

(Published as *Free Life Commentary* 89, 29th January 2003)

At the beginning of the 19th century, Athens was a small town in one of the less orderly and important provinces of the Ottoman Empire. Its inhabitants numbered about a thousand, mostly living in small huts built just below the Acropolis. The glorious buildings of antiquity were all in various states of ruin, some still to be recognised from the descriptions given in Pausanias, others but heaps of overgrown masonry. There was a mosque and a church and various administrative buildings on the Acropolis. The Parthenon had been falling into ever greater ruin since the

explosion there in 1687. Those parts of the Erechtheion still not utterly ruined were used to house the seraglio of the Turkish Governor.

To this place of silence and desolation came Lord Elgin, who had been appointed British Ambassador to Constantinople in 1799. He arrived in Athens, intending at first to take sketches and mouldings of the antiquities there. He soon realised, though, that his influence and the indifference of the Turkish authorities to classical art allowed him to go somewhat further. He eventually removed 56 sections of the frieze sculpted by Phidias around the Parthenon, plus nearly all the sculptures from the pediments and the metopes, together with one of the caryatids from the Erechtheion, and had them shipped back to Britain. These treasures are collectively known as the Elgin Marbles, or the Parthenon Marbles, or sometimes as just the Marbles.

After various adventures, the Marbles were bought in 1816 by the British Government, and housed in the British Museum, where they are now displayed in the fine gallery presented to the nation in 1939 by the generosity of Lord Duveen. I saw them first when I was seven; and while I was not so smitten by them as was Keats when he saw them in the 1820s, I have always regarded them as objects of the highest beauty, and make sure to look at them again whenever I am in that part of London with time to spare. They are by general acclaim the greatest works of the greatest period of Greek art. They possess a sustained nobility of theme and execution that the Greeks never again achieved, and that we moderns cannot hope to match.

There is now a vigorous campaign to have the Marbles returned to Athens. Confident of their return, the Greek Government is building a large new museum close by the Parthenon. Despite this optimism, there seems no chance of their being returned, either in time for the 2004 Olympic Games in Greece, or at any time thereafter. Both Margaret Thatcher and John Major refused to consider requests for their return. Surprisingly, bearing in mind his general worthlessness, so has Tony Blair.

This refusal, though, to listen to the Greeks may not remain an established fact. In a bureaucratic state such as ours, office brings an immense burden of work; and politicians tend to react by concentrating on the few issues they think of prime importance, regarding all others as annoyances - to be ignored so far as possible, and compromised if they cannot be ignored. So it may be with the Marbles. I have no doubt that, as with the Spanish over Gibraltar, the Greek Government hopes that if it continues making a fuss, it will eventually get its way. Perhaps we shall one day want something of the Greeks, and think little of handing over a few antiquities in return. Perhaps more likely, enough of those who matter will simply be brought to accept the justice of the Greek claim, and will think as well of themselves for returning the Marbles as they now do for saying sorry about the slave trade, the potato famine, the conquest of India, and all our other alleged misdeeds of the past. And if this ever does happen, a leading part in the work of persuasion will have been taken by a body called British Committee for the Restitution of the Parthenon Marbles. Funded so far as I can tell by wealthy Greeks, this body operates from offices just outside the City of London, and has the support of various British celebrities, including Judi Dench, Vanessa Redgrave, Ian McKellen, and John Mortimer. Its website - www.parthenonuk.com - makes a permanent case for the return of the Marbles.

The case for their return rests on a number of grounds. There is the claim, that Lord Elgin had no legal authority take them in the first place. There is the scholarly claim, that the Marbles would be best displayed in Athens together with the rest of the Acropolis. Then there is the claim that really motivates the Greek Government, that they are the moral property of the Greek people. According to the Greek Foreign Minister, speaking in London in June 2000, "We are talking about the greatest national symbol of Greece. It symbolises the Greek contribution to the cultural heritage of mankind".

Needless to say, I am strongly opposed to returning the Marbles. If I had my way, they would stay in London forever - preferably joined by anything else we might in future be able to bribe out of the Greeks or the other successor states of antiquity. Indeed, if Lord Elgin did anything wrong, it was to leave too much behind when he finished his work in Athens. He should at least have taken all the pediment sculptures and another caryatid. He might also have dug up some of the statues buried after the Persians destroyed the old Acropolis in 480BC. The world of culture would be all the better had he done so. Just compare the Caryatid he took away with those he left behind, and ask if he really did wrong. However, rather than continue with its mere statement, let me try to justify my opinion. I will review the case for returning the Marbles.

First, there is the claim about legal authority. The argument here turns on the status of an alleged *firman*, or decree from the Sultan, allowing Lord Elgin access to the Acropolis. Was this genuine? If genuine, what does its ambiguous wording most probably mean? These questions need not be answered, as they are irrelevant. The concept of legal authority has never been very strong in the Islamic world. The Ottoman Empire in the 19th century was entering its last stage of decline, and its government was moved to action far less by considerations of legality than by the various promptings of force and corruption. The form of Lord Elgin's authorisation is of no consequence. All that matters is that he was the agent of an important foreign power, and he wanted things that were considered at best to be worthless; and so he was allowed to have them. And that, in an oriental despotism, is the only permission that counts. Questioning his legal right to do so as he did is about as pertinent as asking whether the order to shoot one of Stalin's victims was properly given if the authorising name was typed rather than signed.

Second, there is the claim of cultural integrity. If the Marbles were to be restored to their old places on the Acropolis, there might be some reason behind the claim. But there is no plan to do this. Athens nowadays is one of the most heavily polluted cities in Europe. Setting the marbles into a cloud of car exhaust fumes would be an act of vandalism. In any event, the Marbles could not really be viewed in their old places. The plan rather is to take them from a museum in London and put them into another museum in Athens. Now, most of the museums I have visited in Greece are decidedly inferior to the British Museum in matters of presentation. The National Archaeological Museum in Athens, for example, is a chaotic jumble of statuary and other objects - often with no proper exhibit labels. It is also housed in a building that looked to me in September 2002 as on the verge of collapse, its internal walls patterned with horizontal cracks. Add to this that modern Athens is a city of the most atrocious ugliness - three and a half million people living and working in a sprawl of concrete boxes compared with which the suburbs of Bratislava are models of town planning. London is far more accessible to those most likely to want to look at the Marbles. It is cleaner, more beautiful, and more cultured; and entry to the British Museum is still free. I will add that the museum being built in Athens has been denounced as an architectural eyesore that, whatever its contents, will make it still harder to appreciate the beauty of the monuments beside it. And there is the notorious fact that many of the provincial museums in Greece are a scholarly disgrace - shut most of the time, filled with statues swathed in bubble wrap that may not even have been catalogued. Perhaps before demanding the return of antiquities taken from their country, the Greeks should consider putting what they already have into a semblance of order.

I turn now to the claim that the Greek people have some moral right to the Marbles. This is not a right I can understand. I understand clearly enough that I own the notebook computer on which I am typing this article. I understand that the British Government owns most of Salisbury Plain, though I might wish it did not. Where restitution is concerned, I understand my claim to a book that one of my students borrowed from me in 1999 and never returned. I understand the claim that an American Jew might have to a picture in a German gallery that he can prove was stolen from his great uncle in 1942. But a right of ownership attaching to an entire people and lasting for thousands of years, during most of which time there was no accepted representative to exercise it, and that

remains powerful enough to override any competing claim based on purchase and nearly two centuries of undisturbed possession - that is not something that I at all understand. Compared with this, the wilder oddities of American tort law make perfect sense. Compared with this, the reparations for slavery demanded by certain black groups in America seem almost reasonable.

Let us, however, accept that such moral rights can exist. This granted, no museum in the civilised world will be safe. If the Elgin Marbles, why not the Rosetta Stone, sent to France by Napoleon, and brought from there to London as spoils of war? Should that be returned to Egypt? Why not the *Codex Sinaiticus*, brought to England in the 17th century, ultimately also from Egypt? Should that be returned? Why not the obelisk that Caligula took to Rome? Why not the statues in the Capitoline Museum, many of them looted from Greece by the Roman Consuls and Emperors? Why not the Serpent Column, taken from Delphi, I believe, by one of the early Eastern Emperors, and placed in the Hippodrome at Constantinople, where it remains? Why not the bronze horses in Venice, taken from Constantinople after the sack of 1204, and taken there perhaps from Rome in the dark ages, to where they may have been taken after the sack of Corinth in 146BC? Should all of these be returned to where they were originally placed or last known to have been placed? If not, why not? When is there to be any line drawn to bar such claims? Nor are these inconceivable extensions. I read last year that some Jewish group was considering a claim to the Coliseum in Rome on the grounds that it was built by the Flavian Emperors with the proceeds from the sack of Jerusalem in AD70.

Of course, the claim for the Elgin Marbles is said to be an exceptional one. These objects are uniquely important. No precedent, we are told, will be set by their return to Athens. It will be a case terminating in itself. Anyone who believes that has no understanding of human greed and vanity, or of the ingenuity by which they can be advanced. First it will be the Marbles, and then it will be something else, and then something else again. Let the Greeks have their way in this, and it will be only a matter of time before the British Museum, the Metropolitan Museum and the Louvre are stripped as bare as a Roman palace after the sack by Genseric.

But let us continue accepting the principle of moral claims. Do the modern Greeks actually have one to the return of the Marbles? In what sense can they be regarded as the legitimate heirs of the ancient Greeks?

Not, I think, in the genetic sense. We have no reliable demographic evidence from antiquity, but after the wars of the century around Alexander the Great, the populations of mainland Greece seem to have gone into a steady decline that lasted for a thousand years. By around the time of Christ, the depopulation of the old city states was a matter of general comment by those who lived there and of Roman visitors. It is described in a letter to Cicero. It is implied in an inscription that Nero had placed on the Parthenon. Plutarch ascribes the progressive silencing of the Greek oracles to the diminished need for their services. The great plague of 542 reduced populations right across the Mediterranean world, and would have reduced that of mainland Greece still further. Long before that, however, the majority of those living there might well have been descended less from the nation of Pericles and Demosthenes than from imported slaves and barbarian invaders. Certainly, in the two centuries of disorder that followed the great plague, the territory was almost wholly lost to the Byzantine State. When finally reconquered from the Slavs, it had to be rehellenised from Constantinople. The linguistic evidence is important here. With the exception of the Tsakonians in the Peloponnese, the modern inhabitants of Greece speak a language clearly descended from that of Byzantium, with no trace of the old regional dialects. The Turkish conquest of the 15th century led to renewed movements of people. When Lord Elgin arrived in Athens, perhaps half the population was Moslem - and probably not all of these were Greek converts. Certainly, modern Greece as I have seen it is occupied by a rich ethnic mix that embraces every human shade from Nordic blonde to Moorish brown. Athens itself was largely colonised after the population transfers of the 1920s by

Asiatics whose claim to a Greek ethnic connection is less well founded than that of the West Indies blacks to an English connection - less so, indeed, since the West Indies blacks can often accurately trace their bloodlines back to British planters before the abolition of slavery there.

Nor in the cultural sense are the modern inhabitants of Greece Greek. Let us return to the issue of language. They speak a language that is descended from Greek, but with a loss of vowels and diphthongs and a change of accentuation that makes it incomprehensible when spoken to anyone who has learnt Greek. Nor is it much more comprehensible when read, having lost most of its tenses and with the change of much of its basic vocabulary - words like bread, water, fish, meat, house, and so forth, unrelated to the original Greek. Few modern Greeks can understand the ancient language. As soon as the European Union harmonises away the Greek alphabet, and words are spelt phonetically in the Roman script, only a philologist will be able to see any connection between the two languages.

Turning to wider differences, the religion of the modern Greeks is that of the Byzantine Church, and the tendency of this, unlike that of the Roman, has been to degrade the intellect. Even before the Turkish conquest, this church had little theology beyond arguments over the efficacy of icons and relics and over the reality of the Inner Light. It had no Anselm or Bonaventura or Aquinas. Its chosen representatives were humbled by the Latins at the later ecumenical councils of the Church, and a point was gained once only by forging a quotation. It spawned no Reformation and headed no Counter-Reformation. It nurtured no Descartes or Voltaire to react against it.

Of course, there is much about the Byzantine Church to be admired. It kept alive the idea of a separate nation during the centuries of Ottoman rule, and it has not during the past century shared in the moral collapse of the western churches. But it is not a religion that can be described in even the vaguest sense as Hellenic. And the national idea that it kept alive was a specifically Byzantine national idea.

Of course again, there was much admirable about the Byzantine Empire. It was not the sickly, sterile thing that the inattentive reader of Gibbon may be inclined to think it. The Empire survived more than a thousand years in the most trying circumstances. For much of this time, it even flourished, being the dominant military, naval, economic and cultural power of the Mediterranean world. It saved and transmitted just about all that we now have of Greek civilisation, and would have transmitted still more but for the criminal folly of the Latins. Its arts were beautiful, its technology progressive, its historians among the best. But with the Venetian sack of 1204, and certainly after the Turkish conquest of 1453, the Byzantium of Michael Psellus and Anna Comnena died. What lived on was the anti-Hellenism of the religious establishment. The westerners who joined in the war of independence against the Turks told themselves they were fighting in a second Persian War, and that victory would be followed by another classical age. What really followed was a long age of cultural and intellectual torpor, disturbed though never interrupted by a cycle of revolutions, civil wars, assassinations, military dictatorships and childish economic policies. No wonder the modern Greeks are such happy members of the European Union. Not only does it now hand over "project funding" faster than even they can embezzle it, but it also relieves them from all the trouble of thinking for themselves about politics and economics. No wonder so many of the clever Greeks simply get out of the country.

Anyone who looks for Greece in the modern inhabitants of that country will be disappointed. In almost every sense, the modern Greeks bear as little relationship to the builders of the Acropolis as we do to the builders of Stonehenge. But there is still a Greece - not a nation, perhaps, but a spirit. Wherever there is reason and light and beauty, there is Greece. Wherever people wonder what is truth and how we can perceive it, there is Greece. Without Greece, there would have been no Shakespeare or Milton, no Newton or Leibnitz, no Bach or Mozart, no Descartes or John Locke or

David Hume, no Adam Smith. We, the civilised classes of Western Europe and the English-speaking world, are the true heirs of Greece; and, beyond all reasonable doubt, England has been the Athens of that New Greece. The Elgin Marbles are presently in London, and by all that we may regard as sacred, it is our duty to keep them there.

Writings by Sean Gabb on Similar Matters:

“**On Watching to Olympic Games on Television**” *Free Life Commentary*, London, issue number 44, 20th September 2000

Review Article: “**The Oxford Latin Course**” *Free Life Commentary*, London, issue number 55, 4th September 2001
