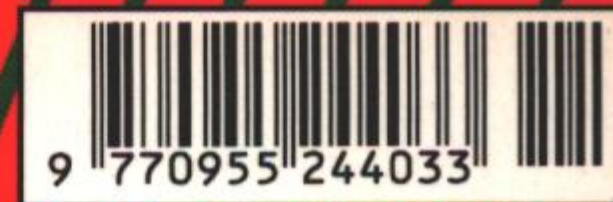


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# LM

# ISSUE No 115



Could the High Court order you to have an operation?

Porn free – whether we like it or not

Child safety: a curfew too far

# THE FREEDOM ISSUE

Dalai Lama 'a religious dictator'

Smoking bans – a bad taste in the mouth

Myra, me and the lynch mob

- 'Date rape' – the roofie excuse ■ What's wrong with animal experiments? ■
- 'Capitalism is not collapsing' shock ■ Manly virtues and masculine vices ■

John McVicar: After Flo-Jo – truth, drugs and libel laws

Francis King: Britain's moral imperialism

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Mick Hume  
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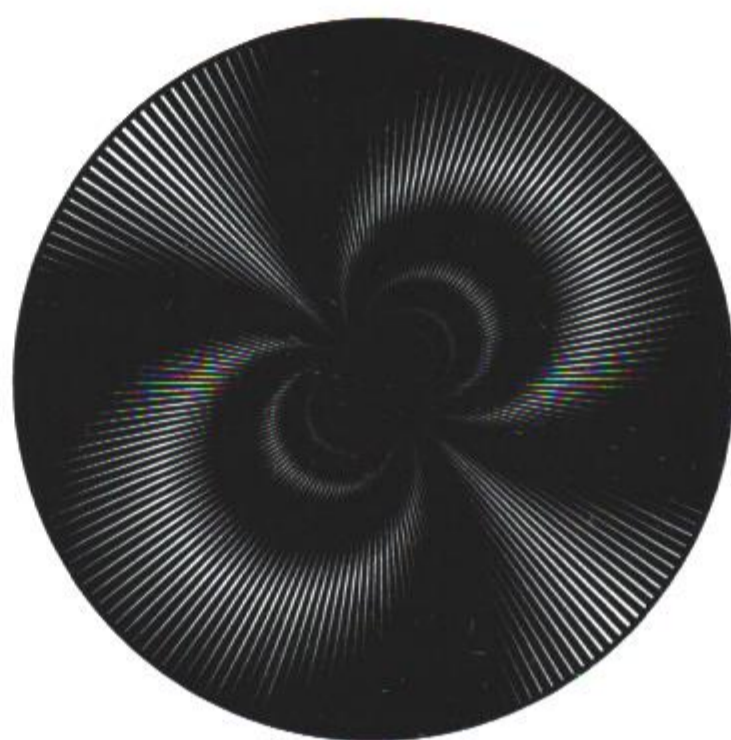
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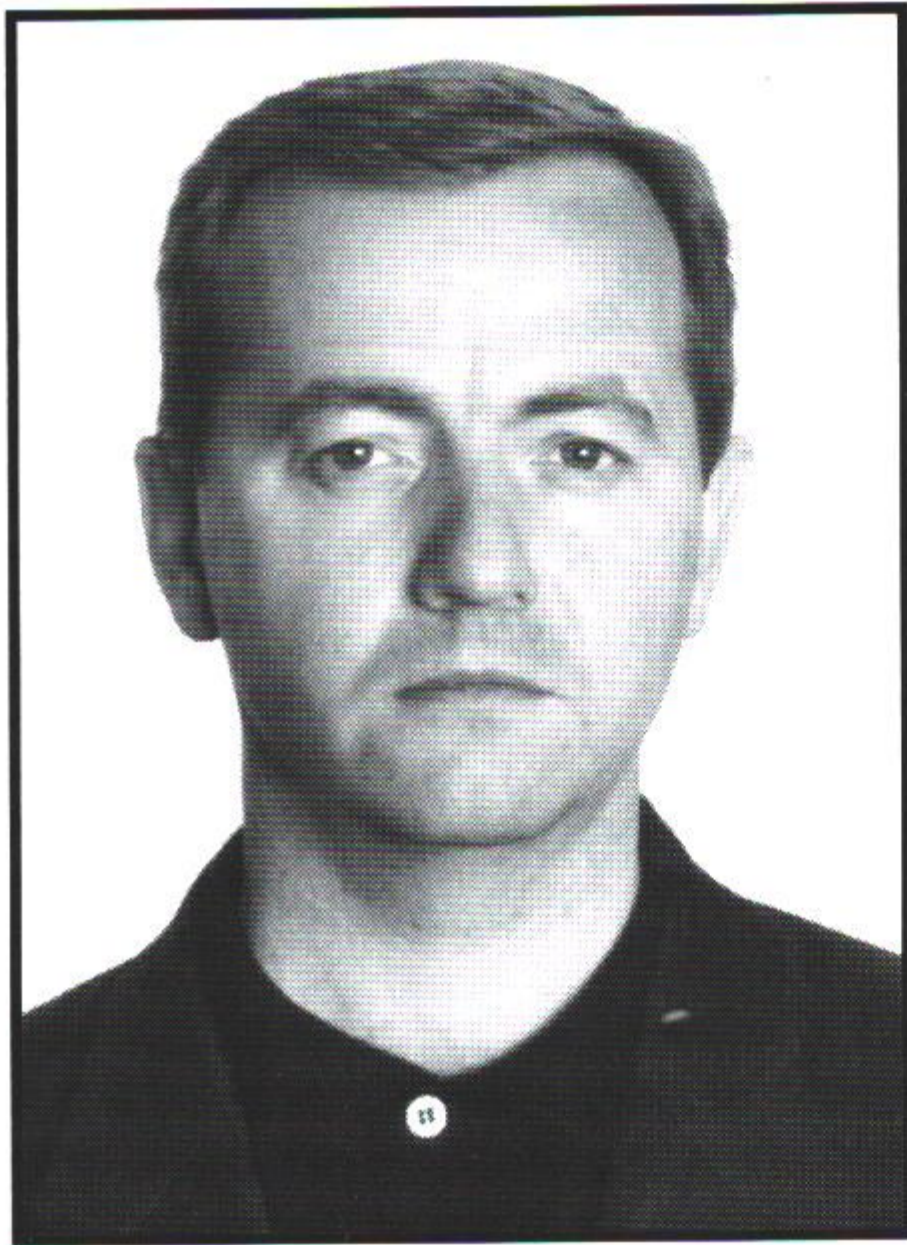
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# FORGET THE LEFT, THE ISSUE IS



MICK HUME

Editor

'THE PENDULUM IS SWINGING, COMRADES!' declared an over-excited Mark Seddon, editor of the Labour left paper *Tribune*, at a rally on the fringe of the Labour Party conference in Blackpool in September. Labour members had just elected Seddon to the National Executive Committee, along with Ken Livingstone and two other members of their Grassroots Alliance, against the express wishes of Tony Blair and the New Labour leadership.

Seddon thinks it is a sign of a left revival. Others appear to agree with him. From the other end of the traditional political spectrum, Janet Daley used her column in the *Telegraph* to welcome the election of Seddon and alleged 'Trot' Liz Davies as signalling a return to the politics of left versus right, a victory for 'honest, adversarial debate about political priorities', over Blair's 'new politics of Lib-Lab, centrist, sort-of-leftish, tell-us-what-you-want, no-risk Third Way government'.

A cynic might say that, if Daley's (sometimes astute) judgement is here clouded by nostalgia, Seddon's is surely blinded by self-delusion. The fact that maybe 60 000 embittered supporters of Old Labour, including some from the old right like Roy Hattersley, voted for the Grassroots Alliance against Blair's modernisers, hardly signals a political sea-change. In the real world the left made

no impact on government policy at the Labour conference. Within a week of Seddon's rousing Blackpool address to the comrades, Blair had appointed Michael Heseltine to a top government job and a *Guardian/ICM* opinion poll indicated that just eight per cent of people now think that New Labour is a left-wing party.

But never mind all that cynicism. Let us take the claims of a left revival at face value for a moment. (After all, with the recent electoral victory of Germany's Social Democrats, 13 of the 15 European Union members are now run by apparently left-leaning governments.) Is this anything to get excited about? What does it mean to be 'left wing' today?

Many prominent voices on the left are now the most pro-censorship (ban 'hate speech' and porn), the most pro-militarism (bomb the Serbs), the most anti-science (stop genetic engineering) and the most anti-sex (of the heterosexual, penetrative variety) in public debate. As James Heartfield explains elsewhere in this issue of *LM*, their distinctive contribution is always to be the fiercest opponents of individual freedom.

Across Europe and North America there is no hint of liberation, emancipation or self-determination in the politics of the left class of '98. All of their instincts are to interfere, to regulate, to repress. The left imagination is now the place where grandmotherish puritanism meets political correctness.

## POLITICS WITH A CAPITAL P IS PASSÉ IS ALL THE RAGE

You can call that left wing if you want, but you might just as well call it Kevin.

It makes no sense to talk about a return to the politics of left and right, because neither of those camps bears much relation to what it once was. Both have lost the will to hold the line on their past principles. A Labour prime minister whose cabinet includes ex-CND members now revels in the role of the West's most strident warmonger against an Iraq or a Serbia. Meanwhile a Conservative Party leader proposes replacing the Tory-dominated House of Lords with a chamber elected by the great unwashed.

So where does the left end and the right begin? Parliamentary politics has become a kind of shapeless blancmange of the ever-expanding centre ground. It cannot be easily squeezed back into the old pigeonholes.

Other commentators have noted the demise of the left-right divide. Too many, however, have seen this as a consequence of a broader 'end of ideology' in the post-Cold War

world. They imply that the old polarities have converged because the major issues have been settled, and that there are no more 'big ideas' around which the battle lines can be drawn.

Far from it. There are still big issues to be fought over, and a battle of ideas to be won and lost. The difference is, however, that the questions which impact on society now, the issues which trouble people today, can no longer be understood in the traditional political vocabulary of left and right or working class and capitalist.

What were once major social issues of contention have now become begrudgingly accepted as facts of life. Complaining about unemployment or poverty, for example, is now on a par with moaning about the British weather; everybody can repeat the mantra, but nobody expects it to make any difference. Meanwhile, things which would not have been considered politically important in the past have become the big issues of the changed times in which we live.

Perhaps the most significant change is the dissolution of the line between public and private life. As a result, people's personal affairs and problems—to do with such matters as health, safety, the family and all things emotional—have been promoted to the top of society's agenda. The focus of public discussion has moved away from the boardroom and parliamentary debate, towards the bedroom and the confessional press conference.

Politics with a capital P is passé, politics with a thera-py is all the rage. The model for the new politics of emotion is provided by the USA, which still sets the cultural standards for the rest of the world. In many ways, the ongoing Clinton affair in Washington best illustrates how politics has changed from the era of left v right—especially once it is compared with the last time congress held presidential impeachment proceedings, against Richard Nixon in the early seventies.

Nixon was impeached for the public crime of burgling his regime's political opponents and then trying to cover it up, against the background of the national trauma caused by America's defeat in the deeply divisive Vietnam War. Clinton, by contrast, faces impeachment proceedings for lying about his sordid private life, against the background of widespread public indifference about conventional politics.

The contrasting reactions to these two crises also say a lot about the way things have

# FREEDOM

changed. Nobody suggested to Nixon that, if he were to admit all and apologise to the American people for what he had done, he would be all right. It was automatically assumed that the president, of all people, had to take responsibility for his actions; and if he was guilty, he was going down. Twenty-five years on, the rise of the new emotionalism and therapolitics means that Clinton is encouraged to think he can survive if he pours out his heart on the global counselling-couch provided by the media.

In a world where the private has become the stuff of public life in this way, what relevance could anybody seriously attach to the old politics of left and right or class conflict? Those of us who want to promote the cause of human emancipation today have some rethinking to do.

It is in the course of such thinking that we at *LM* have come to see freedom as such an important issue of the moment—and to see the 'left' as the biggest barrier to achieving that end.

Freedom and responsibility are two causes with which *LM* wants to be closely associated today. Not so long ago these were understood as slogans of the Thatcherite right. Changing circumstances, however, have cast them in a different light.

We live in an era of institutionalised irresponsibility, where it seems that nobody

much of a difference. People's expectations are lowered to the point where many now accept their status as victims of life to whom things just happen. Not only have we lost the traditional left-wing sense that people could be part of a collective movement for change, but few retain even the right-wing belief that an enterprising individual could do the business themselves.

The religion of irresponsibility breeds a casual, even contemptuous, attitude towards individual freedom. After all, who needs a free society if we are considered incapable of exercising our liberties, except in a petty sense like the freedom to wear what we want? Far more than freedom, what a society of inadequate and damaged individuals needs is help, guidance and supervision from the experts and authorities above. Little wonder that many people are now more receptive to state and quasi-state intervention in their personal and family affairs. Or that they believe even more strongly that other out-of-control individuals need to have their lives closely regulated.

In these circumstances, the 'left' which has come to prominence across the advanced world is one which ultimately is more afraid of other people than it is of the state. That is why it opposes individual freedom and supports intervention at every turn. It is also one reason why I would not dream of calling *LM* a left-wing, socialist or Marxist magazine these days.

Establishing our right and freedom to live as responsible individuals, capable of taking our own decisions and making our own mistakes, is the prerequisite for

can be held to account for anything that happens. Everything is apparently determined outside of anybody's will. Job losses? Blame the hidden hand of globalisation. Inequality? Blame the genes. Bad behaviour or failure? Blame some kind of addiction or medical syndrome, or a history of emotional abuse.

There is no longer necessarily a connection between what you do and the consequences of your actions. For the old right, the trouble with this refusal to take responsibility is that criminals can invent extenuating circumstances and escape proper punishment. But the problem of irresponsibility goes way beyond that narrow obsession with retribution.

The notion that nobody is really responsible for anything undermines our status as autonomous, creative individuals. In the end, if we are all prisoners of processes outside of our control, it becomes impossible to imagine doing anything positive or making

achieving anything worthwhile, from self-sufficient personal relationships to a civilised society. Which helps to explain why *LM* is concerned with the kind of strictly non-left questions addressed in our freedom issue this month.

It is not that we think smoking or pornography is good, or that we believe caesarean sections are bad. The point is that bans and censorship and operations-by-court-order reflect and reinforce the low opinion of people that prevails today: the view that we are essentially incompetent and irresponsible individuals who need to be alternatively nursed and policed through the problems of everyday life.

While such a paralysing view of the human condition holds sway, nothing else much matters. When we get the pendulum to start swinging against that most destructive of contemporary ideas, there will be something to shout about from the top of Blackpool tower. ●

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'The coverage of Diana's  
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 information and a forum for  
 debate, or as a pulpit for  
 sermons and a public  
 confessional?'

POLITICS WITH A THERA-PY

**DON'T BULLY THE REAL VICTIMS**

I am concerned about *LM*'s misguided preoccupation with 'victim culture'. While I agree that the self-help industry is exploitative, and legitimately challenged, I also think that some of *LM*'s recent discussions, such as 'The counselling cult' (July/August) and September's 'Parlez-vous Diana?' and 'Whatever happened to false memory syndrome?', are encouraging the bullying attitude which buys into the trite and ignorant generalisations of terms such as 'victim culture'.

This kind of attitude is unhelpful and damaging to those who are genuinely seeking help to come to terms with life-affecting traumas, such as mental health problems, abuse, domestic violence, etc, because it fails to make clear and informed distinctions between those people and others who are, to put it crudely, jumping on the victim/survivor bandwagon because they are bored with the monotony of a stable upbringing and/or the joys of sound mental health.

It must be remembered that it is only fairly recently that people who have suffered abuse or have mental health problems (especially those from poorer backgrounds) have felt that there is enough of a support network to allow them to come forward to seek help without too much fear of ridicule and mistreatment from the ignorance of society. I believe that the kind of attitude that seems to be encouraged by *LM* is setting back this progress, so that once again people will feel ashamed, and mental health problems, child abuse, domestic violence, etc, will become taboo again, with nowhere to go except to be passed on to the next generation.

Anne Miller  
London N16

**ON YER BIKE**

Austin Williams ('On yer bike', September) makes some very good points on where transport policy is going in this country. As somebody who has spent the summer putting bikes on the back of a borrowed car so that I can take my daughters off somewhere for a bike ride of any length and safety, it seems to me that only a real change in an integrated transport policy will let us cycle to a train station, get on a train and go where we want, when we want. Until that time I will still use a car whenever I can get one.

I can only tell James Heartfield ('Cyclists and motorists, unite', September) that as one who bikes to and from work six miles with no fancy green or red lanes, my safety record of over 30 years man and boy with no accidents might be down to my aggressive cycling or the fact that I look like the back end of a bus!

Kevan Yates  
South Wales

It was refreshing to read an analysis of the government's transport proposals that wasn't premised on finding alternatives to the motor car. So often the discussion seems to revolve around how much inconvenience we can put up with in the interests of a 'socially responsible' transport policy.

In principle then, I agree with the points made, except for one thing. We undoubtedly have very real traffic congestion on most urban streets and I'd like to know what the answer is to this. Building more roads will not address the problem. Do you advocate simply calling for major investment plans in public transport? If that is the case, what distinguishes your proposals from Friends of the Earth, say?

Notwithstanding the fact that they preface their calls for increased investment with a demand for less cars, in all practical terms you seem to have a lot in common. Surely you should be working together on this issue to formulate a two-pronged strategy: people will not use the poor public transport system while they have the option of using their cars, but conversely, it will not be commercially prudent to improve the bus networks unless the take-up improves. Both issues need to be attacked concurrently. If we

really are interested in improving transport, this public v private circle has to be squared.  
Adrian Whitterington  
Brixton, London

**CULT FACTS**

I read Brendan O'Neill's article on cults with outrage and disgust ('Cult is a four-letter word', October). Just to make a cheap point about 'rationality' Mr O'Neill forgets about the power of dangerous groups and how badly they do damage to people.

I was in a cult for nearly two years (which I won't name for legal reasons). I was made to feel at home and loved when I first met the group, there was a lot of hugging and kissing and friendly conversations. This was something I was looking for because my life was not at a high point. The group manipulated me into a 'belief system'. I was 'specially permitted' to attend a major 'seminar'. The 'seminar' lasted for five hours, the room was very hot and bright and there was no break for food and drink. Many of us were shouted at for doubting and for thinking bad thoughts.

From then on the group absorbed all my time and energy—and all my money. Mr O'Neill might think I am 'weak-willed'

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but I am not. I am educated and confident. But I believe that this group 'brainwashed' me, even if I don't like that word. I would call it 'psychological coercion' which Mr O'Neill laughs at.

Emma Abley  
Luton

### LOWER CLASS EDUCATION

Brendan O'Neill ('Intellectual poverty', October) objects to efforts by the Higher Education Funding Council of England (HEFCE) to bring more working class students into university, claiming that they will bring university life down to the 'lowest common denominator'.

What's the matter Brendan? Are you afraid that these nasty rough working class people will ruin your nice pristine college environment? It's clear that O'Neill is one of these pseudo-Marxists who can only tolerate working class people *as an idea*; the thought of actually meeting them in the flesh or even (horror of horrors) having to share a room with one makes his skin crawl. Who knows what they might do: vandalise the union bar, smoke roll-ups in the refectory, they might even *give him nits!*

Obviously the proudest moment of O'Neill's life was when he passed his 11-plus; it meant that he was better than all those nasty oiks from the council estates who had dirty fingernails and wouldn't (to paraphrase a remark allegedly used by a certain A Blair) know or appreciate decent guacamole when they taste it. We used to see them swaggering along in their poncy little school uniforms thinking they were *it*; but they used to come down a peg or two when we jumped them and kicked the shit out of them! Class war in the streets! Right on comrade!

If O'Neill would like to continue this correspondence, I would be quite happy to go round to his house and burn mattresses in his front garden; I might even give him nits!

Keith J Ackermann  
Tilbury, Essex

I would like thoroughly to endorse the article 'The learn-little society' (October). As somebody who got into higher education through hard work, grit and an all-round superb grammar-school education, I find it turns my stomach to see today's intake who appear more like the dregs of the dole queue than proud members of quality institutions.

A-levels were pure perspiration, NVQs are a piece of piss. Is nothing sacred in this Blairite world of mediocrity?

Simon McKeon  
London

### RACE AND CLASS IN SCHOOL

Linda Bellos admits that anti-racist education does not work and rightly blames it for limiting the progress of black people ('Anti-racist education is a failure', October). She says a good education involves ideas which are colour-blind. Then she criticises the white administrators of anti-racism for being colour-blind and says colour matters.

The practical problems she describes are caused by professionals talking over the heads of ordinary people. This happens also with black professionals. The failure of communication is caused by the real differences in their lives caused by difference in incomes, not their colour.

If Ms Bellos explains how she thinks racism originates and why black people are better anti-racists than white people, then we can continue an important debate.

Roger Clague  
Birmingham

## WE WELCOME READERS' VIEWS AND CRITICISMS

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## The what's NOT on guide

**OUTRAGEOUS:** Interrupting a Church of England service is a crime punishable by prison. Gay activist and OutRage! spokesman Peter Tatchell, who made a peaceful protest during the Easter Sunday service presided over by Church of England primate George Carey in response to the archbishop's opposition to lowering the age of consent for homosexuals, now faces a possible jail term for 'indecent behaviour in a church' under the terms of the antiquated Ecclesiastical Courts Jurisdiction Act 1860. This is, for want of a better word, an outrage—especially from an institution which gets off on images of a blood-spattered, semi-naked man in his death agony. **SMOKED OUT:** The cigar smoked by nineteenth-century engineer Isambard Kingdom Brunel has been airbrushed out of a famous photograph. In the original, which hangs in the National Portrait Gallery, Brunel is seen standing with his hands in his pockets and a cigar in his mouth. But in the reproduction as it appears in the new visitors' brochure for the *SS Great Britain* (one of Brunel's iron steamships which is now a floating museum), the cigar has been removed on the instructions of the management committee. 'We did not want to promote him as a smoker because we do get so many young visitors', explained restoration consultant captain Christopher Young. Cigar importer Nicholas Freeman asked 'are we going to start removing the cigars from pictures of Sir Winston Churchill?'; and Marjorie Nicholson, director of smokers rights' campaign FOREST, expressed concern over the future of Sherlock Holmes' pipe. **PULPED:** Zac Goldsmith, 23-year old son of the late Sir James and nephew of publisher Teddy Goldsmith, was looking forward to the special edition of the *Ecologist* which promised to reveal all about Monsanto and genetic food engineering. 'We're bound to be sued', he boasted. 'I'm looking forward to arguing in the courts.' But the *Ecologist's* printers pre-empted any possible writs by pulping the entire issue of the magazine, without receiving a single threat from Monsanto's lawyers, and without even telling Goldsmith. **PEANUTS:** Schools across the USA are banning peanut butter for fear of being sued by parents of the handful of children with nut allergies. How long before a citric-acid scare drives mom's apple pie off the menu? **UGH:** Union officers at Middlesex University would not allow a leaflet issued by Hizb-ut-Tahrir to be circulated until the word 'ugly' (as in 'the protection of the ugly Jewish entity' of Israel) had been blacked out. **TOTTERING:** The head teacher of a private girls' school in Surrey sent 70 students home for 'tottering around' in stack heels à la Geri Halliwell. He claimed that the high heels put students at risk (from the style police?) and that 'clumpy platforms' had offended some local residents. Meanwhile the head of a primary school in Wiltshire banned hi-tech yo-yos on the grounds that they are unsafe. Could this be the last season for playground conkers? **SCOOTERED:** The Italian government banned scooters from city centres in an attempt to improve air quality, and then hurriedly withdrew the ban after scooter-users took to the streets in protest. If only British demonstrations were as stylish.

Compiled by Andrew Calcutt

# TABOOS

Ann Bradley wonders whether the panic about the 'date rape drug' Rohypnol has taken off because it provides

## The 'roofie' excuse

A 20-year old woman accepts a drink from a man she does not know at the Bar Rumba nightclub in central London. Soon after drinking it she feels dizzy and disorientated and goes into the street. The woman later tells police she believes that she was followed outside, where a man—or possibly men—had sex with her. Tests reveal that she did not have an excessive amount of alcohol in her bloodstream. She has no explanation of how she lost control. But the newspapers which reported her case earlier this year did; they claimed that she must have been a victim of Rohypnol, better known as the 'date rape drug'.

The tranquilliser Rohypnol (generically known as flunitrazepam but known on the street as 'roofie') has, journalists claim, been implicated in more than 500 such assaults in America. Now it is over here. In May this year the Home Office rushed through special regulations to tighten controls on the 'date rape drug'. Unauthorised possession of Rohypnol is now a criminal offence carrying a maximum penalty of two years in prison plus an unlimited fine, and pharmacies and warehouses are required to store the drug securely. A new charity, the Roofie Foundation, has been established to 'raise awareness and fund a helpline'. The launch press release warned: 'If you are a woman living anywhere in Britain you should be afraid...very afraid.'

But afraid of what? Rohypnol is basically one of the group of hypnotic benzodiazepine tranquillisers—the same drug family as Temazepam and Mogadon. The drugs are legitimately used to treat insomnia but there is a long tradition of their abuse—particularly by spaced-out kids on inner city estates with a need to get off their faces, cheaply. Abuse of 'bennies' is nothing new. What is new is the suggestion that they are being used by sexually predatory men to render women incapable of resisting their advances.

Rohypnol usually comes in the form of an easily dissolved tablet. When taken with alcohol the effect of the drug is enhanced so that within 15 to 30 minutes the 'roofie victim' slips into a near-unconscious state—half-aware of what is happening around them but with little normal control over their body. Watching somebody high on Rohypnol is like watching somebody who is very, very drunk. When the drug wears off there is often memory loss which can last for days or even weeks.

In theory, Rohypnol is detectable in the

bloodstream for 36 hours and in urine for 72 hours—only when the dose is sufficiently large. But, argue those who are worried about the drug's date-rape potential, the alcohol-enhancing effect of the drug means that a small amount of Rohypnol dropped in a glass of wine could deliver disproportionately devastating results.

There is little doubt that Rohypnol could be used by unscrupulous blokes who rate a chemical cosh more effective than a chat-up line. But there is absolutely no evidence that it has or is being used in this way in the UK. Even as the Home Office announced its intention to tighten the regulations on possession of Rohypnol, it had to admit that '[d]espite concerns about the wide use of flunitrazepam in rape cases there is very little solid evidence'. For 'very little' read none: last year the government's Forensic Science Service did not find the drug during tests related to 18 rape cases in which its use had been suspected. And the Forensic Science Service looks likely to get a similar result for 1998; on 28 September the Home Office told me that Rohypnol has not been implicated in a single rape case this year. Yet the restrictions will stay in place because, as the Home Office confirms, 'public concern about the drug remains high'.

'Roofie rape' stories continue to trickle into the press. An *Express* exclusive exposed tales of thefts from the drug's manufacturer, Roche Products. Anecdotes and case histories litter the women's pages of popular papers. Typically they present the following scenario. Woman goes out for a drink with a man she knows vaguely or not at all. Man buys woman drinks. Woman wakes up following morning

(frequently in her own bed) with hazy recollection of previous evening, which includes dim memory that she had sex. Woman claims this is entirely out of character and that she must have been drugged. He must have slipped her a roofie.

(One student who told her story in the London *Evening Standard* admitted that the gawky teenager she had been seen romping with was too much of an innocent nerd to have drugged her. The conclusion which she and her students' union welfare officer reached was that *both* of them must have been roofied by person or persons unknown.)

Designer drugs may well have taken over from vodka as the near-undetectable means of rendering a woman willing, if not particularly able. It is fair enough for the Home Office to qualify its lack of evidence of roofie rape by reminding us that 'this doesn't mean that it hasn't been used; women are reluctant to come forward in rape cases and often sex crimes aren't reported until after traces of the drug would have passed from the body'.

But even if roofies were being slipped into lagers the length and breadth of Britain, what would be the point of starting a panic about a demon drug? Surely it would be far more sensible to encourage women simply to 'wise up' as we have always had to do. Probably any guy who buys you a drink in a nightclub has intentions which go beyond quenching your thirst. It was ever thus.

And is it too cynical to suggest that, while agony aunts wring their hands about the odourless, tasteless threat to every woman's integrity, roofies can actually offer women the ultimate excuse? Each generation finds its

### BEWARE OF MEN BEARING CHAMPAGNE

Lynda, a 41-year old solicitor—described as a 'victim of drug rape'—told the *Express* (3 September 1998) how she had a couple of dates with a man she met through a lonely hearts column. After making it clear that she was interested only in friendship she agreed to meet him in a wine bar where he bought her champagne.

'After two sips everything became confused and I don't remember anything until I woke up the next morning in my own bed. I felt extremely ill and knew that I had had sex with somebody. I presumed it was with him. I didn't realise what had happened until I met a client who was another victim. She told me what had happened to her and then I realised that it was more than likely what had happened to me too.'

Alternative possible scenario: Lynda isn't used to drinking champagne, got drunk, took a man home to bed and regretted it.



## the perfect get-out for embarrassing behaviour

own excuse for getting 'out of control'. Blaming a roofie seems to be the 1998 designer version of 'he must have spiked my drink'. And it is the almost-undetectable character of the drug which makes it such a perfect get-out.

Until now, that barely awake stomach-crunching realisation—'I can't believe I did that with him!'—had to be faced. So he took unfair advantage of you after the second bottle of red. But it was still *your fault* for drinking it. How will you ever face your friends again? Now it's different. You have an excuse. 'He must have put something in my drink' has become acceptable (and believable) for the first time since you were 14. It is notable how, in some firsthand accounts of roofie rapes, the woman says what a relief it was when she first heard of the existence of the drug that could offer a reasonable explanation for her embarrassing behaviour.

It is no coincidence that the 'it must have been a roofie' excuse first developed in America, where alcohol consumption is increasingly stigmatised, especially among young people. A recent ABC news item featured the growing number of 'dry' fraternities and sororities on US campuses, with earnest cheerleader types condemning the evils of drunkenness. A related item on the health and social risks of student 'binge' drinking defined a binge as 'consuming four or more units of alcohol in one evening'.

It was only a matter of time before the new puritanical restrictions on sexual activity on campus, which led to codes of conduct in the bedroom, developed into codes of conduct in the bar. When a drunken fuck is seen as a descent into depravity, it is hardly surprising that in the sober,

hangover light of day people try to find a publicly acceptable excuse for naked lust. And when the 'I was too drunk to know what I was doing' excuse is no longer an acceptable explanation—even to your mates—you might even convince yourself, as well as them, that you were slipped a chemical cosh. ●





Excercising his right: John McVicar

If everybody knows that Olympic athletes like Flo-Jo take performance-enhancing drugs, asks John McVicar, why should journalists have to stay silent for fear of a libel writ?

# TRUTH, DRUGS AND LIBEL LAWS

When former Olympic sprint champion Florence Griffith-Joyner dropped dead in September, of 'heart failure' at the age of 38, we could all write what we all knew 10 years ago—she used performance-enhancing drugs. The world 100 metre and 200-metre records which she set in the Seoul Olympics and which, incidentally, still stand, were drug assisted. We can now say so for the simple reason that you cannot libel the dead. Athletics blue ribbon events are awash with the use of performance-enhancing drugs, but any journalist who accuses a specific athlete of using is likely to end up like I did with Linford Christie—on the losing end of a libel action.

Flo-Jo exhibited every pointer to the use of performance-enhancing drugs. She put on a remarkable amount of muscle in a very short time, she improved extremely rapidly and rocketed up the ratings. The woman who took silver in the Seoul 200-metre final, Grace Jackson, said after Flo-Jo died: 'My thoughts going into the games were that there was Florence and then there was the rest of us, because her performances were significantly different from what other sprinters were managing. Her improvement had been drastic over a very short period of time and we all started to question how this was possible.'

Yet Jackson also said, 'I have learned over the years that you cannot accuse people of using drugs until they are caught'. And here is the rub: the libel laws prevent us from even having a proper public discussion about whether or not a particular athlete's performance and appearance is indicative of the use of performance-enhancing drugs. All the indications can point to one conclusion, yet journalists cannot draw that conclusion unless the athlete fails a urine test. The problem with this criterion is that, as the career of athletes like Flo-Jo demonstrates, the urine test is easily circumvented.

Auberon Waugh once claimed that 'the purpose of the libel laws is to protect rich crooks, politicians, people in authority and vain millionaires'. In an interview in the *Caribbean Times* about Linford Christie's then impending libel action against me, I used Waugh's quote and added 'wealthy athletes' to his list. Athletes are increasingly turning to the law to restrict comments about the possible use of performance-enhancing drugs.

Our libel laws lay down the rules by which journalists and their legal advisers can publicly accuse somebody of wrongdoing without falling foul of an action for defamation. I often find myself working at the borderline of what is defamatory and, like many journalists, write with a libel reader looking over my shoulder. All sorts of considerations come into play, and there is often a fascinating, unpublished process behind what appears in print or on TV.

However, the bottom line is how well the journalist can stand up his story. What is the quality of his evidence? Journalists always know more than they can prove, but what is critical in this debate is the standard of proof that is required to publish and not be vulnerable to a defamation writ. Clearly the public interest is served by there being some legal protection of reputation, but there are solid grounds for arguing that freedom of speech is of higher value than the protection of reputation.

The US jurist Ronald Dworkin has argued that free speech is based on 'a collective bet that free speech will do us more good than harm over the long run'. If one agrees, then at the borderline of the level of proof required for publication, there should be a disposition in favour of freedom of speech.

Yet our system is biased against the defendant's right to free speech and towards the reputation of the plaintiff. For instance, when a libel jury is unable to decide whether or not the evidence proves that the plaintiff has been defamed, the law says that the issue must be resolved in favour of the plaintiff! Similarly, once it has been established that an article is capable of being defamatory, then it is up to the defendant to prove his case. This runs against the grain of our general judicial process, which presumes that a defendant is innocent until the prosecution has proved him guilty.

The disposition in favour of the plaintiff is also reflected in how libel judges make rulings at trial. Since libel trials are civil rather than criminal cases, the defendant should have to meet only the civil standard of proof—that he is right on the balance of probabilities. However, in practice, judges' rulings in libel trials often push things more towards the criminal standard of proof, requiring the defendant to prove his case beyond a reasonable doubt. ⇨

⇐ In the libel trial between myself and Linford Christie, which took place over three weeks in June, there was a good example of how this further handicaps the defendant.

Christie sued over an article that I had written in 1995, in a soon-to-be defunct underground magazine called *Spiked*. Its editor/proprietor was killed in a car crash the following year. This left me defending the action on my own and, due to the prohibitive cost of libel cases, representing myself. The issue was whether Christie has systematically taken performance-enhancing drugs. Due to my procedural mistakes in the run-up to the trial, a lot of my evidence was ruled inadmissible. This included a physiotherapist to the Olympic team who had treated Christie, and also an athlete who trained with Christie under the latter's coach and who, the year before, had appeared incognito on a *Panorama* programme claiming that all Olympic sprinters, including himself, took performance-enhancing drugs. I had secretly tape-recorded this athlete talking about such issues. The trial judge ruled that this athlete could only give evidence about his own drug taking, not about anybody else's. In the event I did not put him in the witness box.

Now, the standard of proof relied on by the athletic authorities for evidence of the use of banned drugs is whether the analysis of a sample of the athlete's urine detects their presence. When a banned drug is detected, this amounts to a standard of proof at the 'beyond a reasonable doubt' level. It is certainly well above the 'balance of probabilities' level.

Christie had passed over 100 tests, and this was presented as copper-bottomed evidence that he had been a squeaky-clean athlete. My attempt at proving otherwise was to argue that the urine test was flawed, easily circumvented and could not even test for the presence of several potent performance-enhancing substances. My case was to ask the jury to use other, non-test criteria in considering whether such substances had been used: criteria such as unnatural gains in weight, musculature and performance, plus, in the case of Christie, a career of remarkable athletic longevity. Christie, rightly under our defamation laws, won the case when the jury rejected my arguments about him by a majority of 10-2. Although majority verdicts were introduced in 1967 to stop gangsters from jury nobbling in criminal trials, for some reason they are also allowed in civil cases, where they favour the plaintiff. Christie did not ask for damages but was awarded costs.

However, in his directions to the jury, trial judge Mr Justice Popplewell ignored my general argument about the different standards of proof that should be applied in deciding whether journalists could reasonably raise questions about athletes taking drugs. In so doing he insisted upon a standard of proof that is much more in keeping with a criminal trial. The wider consequence of this, going way beyond the Christie case, was to affirm

that sports journalists are precluded from using non-test criteria to say that there are good grounds for suspecting an athlete of using performance-enhancing drugs.

This means, for example, that while Ben Johnson could be pilloried by the press for failing a drugs test after he won the men's 100 metres Olympic gold in Seoul, nobody could voice their reasonable suspicions about Flo-Jo because she passed her test after winning the women's 100 metres at the same games. It means that an athlete like Michelle de Bruin (nee Smith), the dump-truck swimmer from Ireland, who won three gold medals at the last Olympics, can meet the non-test criteria for drug taking to an unnatural degree, and no journalist could draw the inference. Of course, we can now all say that she used performance-enhancing drugs because de Bruin failed a drug test in January. However, until then the risk of libel,

## THE HIGHER JUDICIARY REGARDS JOURNALISTS AS LITTLE BETTER THAN GUTTERSNIPEs

and the way this influences libel readers prior to publication, meant that she was never so accused in the English press. This is known as the 'chilling effect' of our libel laws.

In an attempt to encourage the jury to take into account the way that this chilling effect inhibits sports reporting, I claimed that in the interests of fostering a drug-free athletics sports journalists should be empowered to use non-test criteria. My argument was that, given the fallibility of the urine test and the evidence of widespread use of performance-enhancing drugs among elite athletes, journalists should be allowed to publish on the basis of a lower standard of proof. They should be able to use non-urine test criteria to suggest that an athlete might be using performance-enhancing drugs. I claimed that this was a public issue and that the jury should bear this in mind when deliberating. However, the judge ruled in his summing up that this was not a public issue and that they should put this out of their mind.

This is a corollary of how our libel laws do not admit a public figure defence. The public figure defence developed in America so that public debate on important issues could be, in the words of US Supreme Court judge William Brennan, 'uninhibited, robust and wide open'. The effect is to make public officials, and also corporations and even celebrities in America, rather more fair game to media criticism than they are over here. The justification is that democracy is enhanced by a disposition in favour of free speech.

Libel trials are intellectually demanding, emotionally draining and, because of their exorbitant costs, inevitably turn into tea

parties for lawyers. Thus our defamation laws both favour the rich and powerful and are for all practical purposes an option open only to them. There have been many examples of our libel laws becoming the cat's-paw of wrongdoers who can hire the lawyers. Robert Maxwell—crocodile tears in the witness box too—obviously used our defamation laws to his own ends. And there are other examples, such as MP Tom Driberg and entertainer Liberace, where plaintiffs have blatantly lied but been vindicated by the libel jury. Tory minister Jonathan Aitken's lies might also have prevailed if the last-ditch discovery of who really paid the Ritz hotel bill had not caused his libel action against the *Guardian* to collapse.

One recent survey confirms suspicions that an intolerable number of successful libel actions are miscarriages of justice: in 200 cases studied between 1986-96, the defendant

prevailed in only 20. Of course, this ignores the much greater pre-trial traffic in injunctions and threats of legal action, which stifle publication of accusations of wrongdoing.

There are calls for the reform and even repeal of our defamation laws. But even among the media, libel reform remains a *sotto voce* issue. One reason why we soft-pedal our own cause is because we are held in disdain by such a large section of the public: 76 per cent in a recent MORI poll said they do not trust journalists to tell the truth. Certainly the higher judiciary regards journalists as little better than guttersnipes who, while they have a role in society, must be kept where they belong. The contempt with which Justice Popplewell treated sports journalists in my own libel trial was a reflection of this.

Part of the reason why the press is held in such contempt stems from the outrage over press intrusion into the private lives of celebrities. None the less, the Aitken case offers a disturbing insight into how such public disdain serves the interests of wrongdoers among the rich and powerful rather than the real interests of the public.

Was it hubris or merely arrogant realism that in June 1997 led a rich, powerful and clever man like Aitken to announce his action against the *Guardian*, with the claim that he intended 'to cut out the cancer of bent and twisted journalism in our country with the simple sword of truth and the trusty shield of British fair play'? I would suggest it was realism. Aitken was confident because the nature of British libel laws gave him good cause to think that he could lie and lie and lie but still win in our courts. ●



Helen Searls, legal coordinator of *LM*'s defence against ITN's libel writs, explains why this defendant is anxious to speed up the case

## See you in court

At the beginning of 1997 ITN issued *LM* magazine with writs for libel. Eighteen months later we have taken the extraordinary step of asking our solicitor to try to speed things up and get the case into the High Court. This is rather peculiar behaviour for defendants. We might even become one of the few defendants ever to go to court to force their prosecutors to pursue their case.

The desire to speed up this case does not come from any kind of perverse enjoyment at being prosecuted. If ITN dropped the case tomorrow everybody at *LM* would be delighted. But given that it shows no signs of so doing, getting on with the case is really our only option.

In practical terms the libel case hangs over *LM* like a black cloud. The magazine has gone from strength to strength over the past 18 months, but it is difficult to plan ahead with the possibility of bankruptcy looming. Who is going to put serious money into a venture with that kind of uncertainty hanging over it? Of course *LM* ought to defeat ITN's libel action, but who is going to bet on that given the plaintiff-friendly character of libel law?

The drawn-out character of this case also illustrates one of the worst things about Britain's libel laws: the way they act as a gagging order to 'chill' public debate on important issues.

ITN is suing *LM*'s editor and publishers over Thomas Deichmann's article, 'The picture that fooled the world', published in February 1997. Deichmann's article alleged that the famous ITN picture of a Bosnian Muslim caged behind barbed wire in a Serb-run camp in Trnopolje, northern Bosnia in 1992, created a misleading impression, convincing the world that there were Nazi-style concentration camps in Bosnia.

The details of the original article and this libel action have been fully discussed in past issues of *LM* (and they can also be found on the *LM* Online website at <http://www.informinc.co.uk/ITN-vs-LM/>).

Here we need only note that Deichmann's revelations are well researched, extremely serious and deserve full public exposure. In recognition of this, *LM*'s editor Mick Hume challenged ITN to show the unedited rushes of Trnopolje camp, to debate the issues raised, and to let people decide for themselves. Instead, ITN sued *LM* for libel.

The libel writ itself has proved an effective weapon in keeping Deichmann's revelations under wraps in the UK. While the media in America, Canada and across Europe have debated the significance of the story, ITN's libel action effectively killed this embarrassing story in Britain, where only ITN and its supporters have had the privilege of putting their side of the story in the mainstream media. With a few honourable exceptions (see for example Michael Gove's article in the *Times*, 13 October 1998) most news organisations have shied away from publishing *LM*'s story for fear of facing a libel writ themselves.

Journalists, filmmakers and broadcasters constantly approach *LM* to 'do the story'. But every time a journalist attempts to 'tell all', the story gets spiked by fearful lawyers anxious to avoid costly libel suits from a multimillion-pound organisation like ITN. There is a keen interest in the affair, as evidenced by a packed 'off-the-record' seminar about the case for journalists and lawyers, organised by *LM* at the end of September. But ITN's drawn-out libel action has meant that virtually all public discussion on this matter is effectively banned. We remain in suspended animation between the libel writ and the trial.

ITN's action against *LM* also threatens the very existence of the magazine through the potential bankruptcy of its editor, its publisher and the publishing house. There is no legal aid in libel cases. The case has already cost *LM* magazine more than £50 000, and that is nothing compared to what it could cost to fight the case in the High Court. Were it not for the staunch support of *LM* friends and readers, the magazine would already be bankrupt.

And as if that were not bad enough, the peculiarity of the

ITN action threatens free speech in an even more pernicious way. Not happy simply to sue *LM* for old-fashioned libel, ITN has now added the charge of malice to its action. In what leading libel specialists have called an unprecedented use of the law, ITN is attempting to deny *LM* the normal means of defending itself.

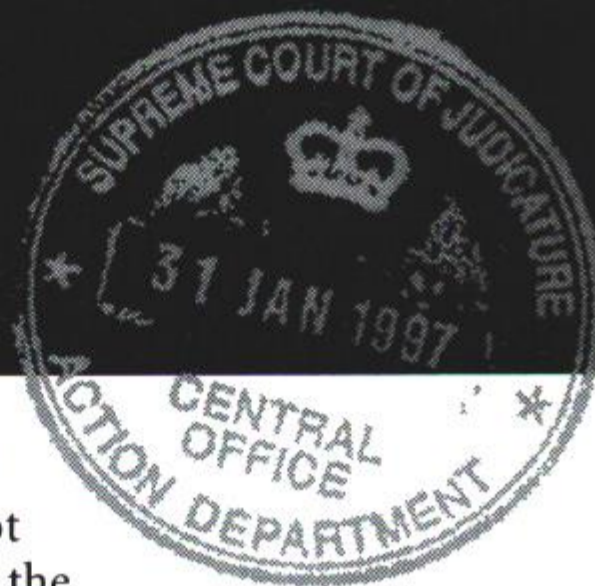
Defendants can defeat libel actions if they can demonstrate that the words complained of are a matter of opinion on a public matter. Even Britain's draconian libel laws do not deny defendants the right to express an opinion providing that opinion is based on fact. This defence is called 'fair comment'.

Fair comment, however, fails as a defence if the plaintiff can prove that the defendant acted maliciously or had an 'improper motive' for publishing. The improper motive normally cited is that the defendant was motivated by malice due to his ill will or spite towards the plaintiff. And the usual evidence for this is that a defendant published an article knowing it to be untrue.

But ITN is not using the law in the normal way. The corporation has found a new argument for denying *LM* writers the right to express their opinions. It is claiming *LM* was malicious—not because *LM* knowingly published a lie, but because ITN thinks that *LM*'s political approach was 'improper'.

ITN's attempt to use the law in this way has disturbing implications for free speech. Never mind that the political approach ITN attributes to the magazine is a bizarre fantasy of its own making. Why should any political stance—however daft—be a reason to prevent people expressing their opinions on public matters? Were ITN's charge of malice to succeed the rights of all to put forward a political opinion—especially an unpopular one—could be severely curtailed.

We are anxious to get to court to clear the decks and enable all of these matters to be up for full public discussion. Not only should Deichmann's allegations be answered, but people should know that the leading commercial news provider in this country is doing its bit to tighten censorship. None of this will happen while the case proceeds at the torturous pace that it has to date. ●



# ONLY CONNECT?

Claire Fox thinks that people would prefer good TV to 'People's TV'

The buzzwords in TV today seem to be focus groups, viewer power and 'the People'. ITV has relaunched itself as 'the people's channel' and the BBC claims to have based its new news format on the views of 7500 people it surveyed. What is TV's new love affair with 'the People' all about? There were some clues at the *Guardian* Edinburgh International Television Festival (GEITF) in August.

The GEITF is the top TV industry event. Debates are specialised, panels and audiences are made up of insiders and experts, and attendance is closely restricted. Yet this year's festival was subtitled 'Television v the People' and claimed to put 'the viewer at the very heart of the festival debate'. The introductory blurb proclaimed that, 'At last, television is on its knees to the viewer', and noted that docu-soaps mean that 'today's stars of the small screen are ordinary people'.

It seems unlikely that ordinary folk and their opinions are really of any more interest than they ever were to many programme makers; when they are listened to at all it tends to be selectively. But the claim to be looking to 'the People' for a lead does say a lot about the loss of direction and fear of making decisions among those running the TV industry.

Why, for example, were 12 *Radio Times* readers, of mixed races, ages and sexes, wheeled on to the stage at the GEITF as a 'People's Jury'? It seemed like a new commitment to listening TV. Every time somebody from the People's Jury spoke a hushed silence filled the auditorium, a sort of false fawning and respect. The chosen 12 were put on a pedestal, cordoned off behind regal red cord, the only delegates given a reserved area in The George Hotel's lobby. But really they were patronised. They were outsiders to the media world, and they were made to feel it. In the session on the news one member of the panel made a long aside to explain how news is made. It felt like sitting in a media studies class.

Nobody really listened to the jury unless they said what the TV insiders wanted them to say. When one juror asked why TV hadn't explained the response to Princess Diana's death as the spirit of God moving 'the People', there was an awkward silence and the odd snigger. The Scottish female football-fan juror (in a wheelchair), who was 'empowered by being given a voice' as she denounced pay-TV sport, was much courted; expect to see her fronting some daytime programme soon. But it was the juror who endorsed Sky who is most likely to have his views endorsed in the post-festival business meetings. I was amused to hear that 11 of the 12 jurors thought there was too much regulation. Both the Broadcasting

Standards Council and the Independent Television Commission listened to the jury, but I doubt they are about to disband to accommodate 'the People's wishes'.

The most telling session was when the People's Jury returned their 'verdict' on the final Monday morning. This session was poorly attended (it clashed with hangovers and the TV festival's own docu-soap on itself—talk about TV eating itself). The jurors were on the stage this time, but the fact that it was chaired by Esther Rantzen made it clear: this was daytime TV, and the jury was to be treated with the same mixture of exaggerated concern and contempt as the panels on *Kilroy* or *Vanessa*. At one point Esther turned the spotlight and microphone on me, as the delegate from *LM* who had earlier in the festival dared to disagree with the concept of the People's Jury. Now Esther demanded: 'Explain yourself to these people...you think you know better than them.'

I was meant to curl up and apologise. But who to? I had no beef with the jurors themselves. Their comments were often more witty, articulate and interesting than those of many TV chiefs. The issue is not whether the People's Jury—or viewers in general—are either stupid or intelligent. My criticism was of the GEITF organisers, for dreaming up their 'one we made earlier' real-live people idea.

The People's Jury may have existed in the flesh, but the jurors were used as cardboard cut-outs, to be pointed to as convenient cover for decisions which nobody would own up to.

TV IS NO LONGER SURE WHAT ITS ROLE SHOULD BE, BUT **AGENDA-SETTING** IS DEFINITELY OUT

Rather than respond to criticisms the organisers could point at those on the stage and say 'don't blame us—ask "the People"'. This hiding-behind-the-skirt tactic is a general problem with the concept of People's TV. It reflects an industry that has so little bottle that those at the top continually have to cite those on the outside to justify what they are doing on the inside. Nobody will take responsibility for decisions made, for the programmes we watch, for regulating what we see, without resorting to some focus group or audience survey.

When the festival pack argues that the People's Jury 'will keep us (professionals)

on course', it reflects not just an unaccustomed modesty but a real loss of confidence. TV as an institution is no longer sure what its role should be; but agenda-setting is definitely out. There seems to be a fear of asserting greater knowledge in case you are accused of elitism. Today, viewer power means 'no more carbolic soap programming, administered because we think it is good for them. No more self-indulgent scheduling'. Jonathan Palmer, a producer/director who helped select the jury, explained that 'the festival has decided to let in 12 "ordinary" members of the audience with a mission—to tell us what they think we should be doing'. But if the jury has to tell the directors which direction to go in, and the producers what to produce, then what are the professionals for?

Even a defence of higher standards in TV tends to be couched in terms of what the viewers want. For example, the BBC's new 'Programme strategy review' concluded that viewers do not want dumbed-down news, presenters without ties (à la Channel 5) or the avoidance of difficult subjects. It is as though these points could not be made without the endorsement of 'the People'.

More than anything else, the impulse behind today's viewer-friendly programming appears to be a fairly desperate attempt to connect with an audience. 'Connecting' is the only principle anybody can agree on. It means either touching a nerve with people (hence today's one guaranteed news value—emotionalism), or making everything

'relevant' to the more banal aspects of people's everyday lives. It is no coincidence that ITV's new logo is a whirling heart and its new slogan 'TV from the heart'. And for all the talk of upholding standards at the BBC, Tony Hall, the chief executive of news, says that: 'If people don't make the connections between their own lives and events in the world beyond, then it's partly because we are failing...to understand what moves them, failing to explain the relevance of that issue or event.'

What 'connecting' actually results in is more inane TV, as typified by the new spate of fly-on-the-wall documentaries or docu-soaps.



BBC2's *The Royle Family*: people watching TV about people watching TV

Docu-soaps can be entertaining stuff, but they reflect a significant shift away from the original aim of fly on the wall, which was an attempt to expose the hidden truth about institutions such as the police or the civil service. Roger Graef's recent *Breaking The Rules*, about the probation service, was a reminder of how valuable a technique this can be in making the audience see things differently and in challenging a consensus view. But where 'fly' documentaries were once motivated by an investigative journalist's desire to reveal the secret workings of society to the public, now the camera focuses on the public, with little to say about society. Today's

docu-soaps serve up images of ourselves—Maureen in *Driving School*, Eileen in *Hotel*, neighbours and shop assistants, vets and pet owners—a sort of *Teletubbies* for adults.

'We know no better than you' sounds egalitarian, but those whose job it is to investigate and analyse current affairs should surely know more about their subject than those who rely on TV as a source of information. And if the only drama we see is based on the existing views of focus groups, rather than skilled drama departments who read all the new programme ideas and use their expertise to choose the best, then we will end up with narrow fare.

At worst, for those running TV, looking to 'the People' can become the excuse for sloppy standards. If you are frightened to challenge the public, or no longer know what set of values should inform your work, give 'the People' what you think they want, what they will certainly feel comfortable with—themselves. And if it is rubbish? 'Don't blame me—they deserve what they watch. We asked them.' ●

**Claire Fox** is director of *Culture Wars: Dumbing Down, Wising Up?*, to be held at the Riverside Studios from 5-7 March 1999. For further information call (0171) 269 9223

ANN BRADLEY

# One born every minute



A young French couple, Veronique Herbert and Sébastien Paindavoine found a touching way of demonstrating their devotion to each other. Twenty-year old Herbert picked up a 16-year old boy at random and, with a promise of sex, lured him to her boyfriend's house. She and the boy took off their clothes, and when they were both naked Paindavoine—responding to a prearranged signal—stabbed the boy in the back and neck while Herbert used a second knife to stab him in the stomach. Then the loving couple buried the butchered boy in the garden and fled. It took the police just three days to catch up with them. Herbert's strange explanation for her involvement was, 'I just didn't want

with my state of mind. Maybe I muddled up dream and reality. I wanted to eliminate someone...The idea of killing invaded me'.

The 'natural born killer' defence is now pretty well established, although it is unusual for the perpetrator of the offence to claim the link quite so openly. More usually the link is drawn by lawyers or by the media—as in the case of another recently convicted French killer, Florence Rey.

Florence Rey was sent to prison for 20 years for her part in a Paris shoot-out that left five people dead, including the 23-year old lover with whom she went on the shooting rampage. The press christened the couple 'France's natural born killers'

Grisham argued that the amorality of *Natural Born Killers* makes it different to other violent movies, because the violence takes place in a 'moral void' and Mickey and Mallory never pay for their actions. Stone, I was delighted to discover, is not in the mood for compromise or apology. 'Has your father been brutalised?' he shot back at Grisham. 'Sue Oedipus and call Hamlet as a witness. Do you hate your mother? Blame Medea and Joan Crawford. Has your lawyer-husband been unfaithful? Slap a summons on Grisham. After all, he wrote *The Firm*.'

I have always found the argument that there is any link between violent movies—or books—and violent acts a little weird. Granted, somebody who is already predisposed to blowing people apart with a shotgun may draw a little inspiration from a fictitious portrayal of the same. It may be the case that it would not have occurred to Herbert that homicide was a cool way to bond with her boyfriend if Mickey and Mallory hadn't given her an example.

But can anybody really believe that if she had chosen to see *The Lion King* instead of *Natural Born Killers* life would have taken a dramatically different course, or that her murderous impulse would have been directed at hyenas? One could just as easily argue that the experience of witnessing up close, on celluloid, the impact of a shotgun blast, may have deterred some would-be homicidal maniacs. To me, killing always looks much easier and cleaner when a black-and-white John Wayne is pulling the trigger.

The notion of artists 'sharing the responsibility' for actions that arise out of their work is bizarre, and typical of the current mood in which nobody can be held truly responsible for their actions. Oliver Stone is no more responsible for Veronique Herbert's actions after she saw his film than he is for mine—or any of the other millions of fans for whom violent films are an inspiration for cathartic violent fantasies rather than destructive violent deeds. ●

## 'Has your father been brutalised? Sue Oedipus and call Hamlet as a witness'

Sébastien to do it all alone. A murder, that's something which turns your life upside down and I didn't want him to live that alone.'

The event—and Herbert's comments—could have been scripted by Oliver Stone. So it is no surprise to discover that, once again, his 1994 film *Natural Born Killers* is being sourced as the inspiration for this particularly tawdry act of violence. Veronique Herbert even cited the film as part of her defence.

Conceding that the attack was motiveless, she blamed Stone's relentless account of the progress of Mickey and Mallory as they slaughter their way across America. 'The film', she explained, 'coincided

after a poster for the film was found in their flat. Britain has yet to see an explicit 'NBK killing', although the familiar complaints about 'the pernicious influence of Hollywood violence' were in evidence after the 1996 Dunblane massacre.

In America *Natural Born Killers* has already been cited in a dozen or so real-life murders that are allegedly copycat killing sprees. One lawyer has even attempted to sue Stone and Warner Brothers on behalf of a client who shot a couple in a convenience store. Top crime writer John Grisham supported the case, insisting that 'the artist should be required to share the responsibility along with the nut who pulled the trigger'.



Francis King thinks it is high time the British stopped trying to look down on the rest of the world

# Britain's moral imperialism

During my adolescence, the short walk from my home off Kensington High Street to the wastes of Notting Hill and beyond it rapidly made it clear to me that the possession of an Empire brought prosperity only to that few to which, from a happy accident of birth, I happened to belong. But, despite that, there was an almost mystical comfort in those vast areas of the map of the world which, coloured red, made it clear that the British still, however shakily, held dominion over palm and pine.

Now that dominion has shrunk to no more than a dozen or so tiny dying stars in a firmament tumultuous with freak winds and dark with ominous clouds. But, with extraordinary obstinacy, the idea of our superiority still remains with us. The Pax Britannica no longer exists; the Bank of England no longer has the power to break or save the economies of lesser nations; the big stick, which we once flourished with so much authority, is now little more than a twig. All our pomp of yesterday is one not merely with Nineveh and Tyre but with Portugal, Spain and, most recently, Russia. None the less we still persist in thinking that, however humbling the material equation, the moral one still shows us to be lords of the world.

In comparison with Islam or the Roman Catholic Church, Anglicanism is small, feeble and incoherent. But it only requires one of the two archbishops, a bishop or even some dim and obscure parish priest of no particular intellectual gifts to give his moral opinion on any of the national or international issues of the day, for it at once to be quoted everywhere in the media. What a distinguished doctor, scholar, lawyer or writer has to say will often be ignored. But there is a general acceptance that a man of the cloth is also a man of authority.

Recently, when the lowering of the age of consent for gay sex was being opposed in the Lords, the archbishop of Canterbury Dr George Carey weighed in like a punch-drunk featherweight long over the hill. To lower the age of consent, he declared, would be 'a sign of a sick society'. In France, Germany, Italy, the Netherlands, Spain and Portugal the age of consent is 16, in Poland and Denmark 15, in Japan 13. Does the grand provincial of the Anglican Church really believe that these are sicker societies than our own? Probably he does, along with millions of other British people who, encouraged in the delusion by the media, believe in the moral superiority of our country over the rest of the world.

When a British subject is accused of a crime anywhere abroad, the instant assumption is that the person must be innocent and the justice system at fault.

'Louise Woodward is innocent', proclaimed posters in her hometown of Elton, long before anybody had any way of knowing whether she was innocent or not. She had to be innocent, innumerable people were instantaneously convinced, since any investigation and trial in the United States must, by definition, be flawed. Soon after her return to Britain, convicted but released after a short period in prison, a childminder in this country was accused of precisely the same crime. Neither woman had premeditated the murder of her charge; each had clearly been driven to it at a moment of intense exasperation. But for this second woman there was none of the same passionate partisanship or even sympathy from the public and the press. The US courts behaved with exemplary humanity to Woodward; but in the case of the other woman, a mother of young children, the British courts, no doubt influenced in part by the irrelevant fact that, in her youth, she had worked as a prostitute, handed out a barbarous six-year sentence.

No prime minister has ever intervened on behalf of a prisoner about to go on trial or subsequently convicted in one of our own courts; and no home secretary has ever been swayed by such an intervention from abroad, however important the person intervening. But a British subject has only to be accused of drug dealing in Thailand, murder in Saudi Arabia or terrorism in Africa for our government at once to concern itself. The view is that, if these accusations

have been made in a foreign country, then of course they must be unfounded; and that if the trial is to be held under procedures different from our own, then of course it will be unfair. There have recently been so many miscarriages of justice in British courts—with people finally being released after serving five, 10, 15 or 20 years for crimes which, it was eventually discovered, they never committed—that it is amazing that we can still maintain this complacent fiction that, if we no longer rule the political or economic roost, we at least still rule the moral one.

As our football hooligans have repeatedly demonstrated all over Europe and as our holiday hooligans have recently demonstrated in Ibiza, driving the vice-consul there to resign in disgust and despair over their 'decadent' behaviour, the only people in the whole world who believe in our moral superiority are our absurdly self-deluding selves.

It is time that we saw that this moral imperialism of ours is as much out of date as our political and economic imperialism eventually came to be.

Francis King, a past president of the writers' organisation International PEN, has published more than 30 novels. His latest, *Dead Letters*, will appear in paperback in November





# FREE SPEECH APPEAL

## Recent signatories include:

Joanna Trollope

Anne Fine

Felipe Fernández-Armesto

William McIlvanney

Deborah Moggach

Fleur Adcock

Shena Mackay

Candia McWilliam

Jackie Kay

Edmund White

David Leavitt

Ariel Dorfman

Penny Vincenzi

Bel Mooney

David Lorimer

Paolo Hewitt

Bruce Robinson

Mike Phillips

Per Petterson

Liz Lochhead

Gillian Reynolds

Judith Stamper

Ken Macleod

LM magazine is being sued for libel by ITN, in a case which threatens to bankrupt the magazine and also raises issues about the use of libel to censor criticism. As the publishers of LM, we have launched an Appeal in Defence of Free Speech. It has already won support from many eminent writers, journalists, academics and artists (see LM107 and LM108). Here are more recent signatories. We will be building support for the appeal until the case is won.

Helene Guldberg and Claire Fox

We, the undersigned, believe that all open and democratic societies should acknowledge the public's right to read critical and dissenting views. Without this right, the sphere of public debate and expression is dangerously narrowed. No public figure or organisation should be exempt. Nothing should be above criticism.

In February 1997 LM magazine published an article criticising ITN's award-winning footage from Trnopolje camp in Bosnia. Throughout Europe and in the United States the debate has become a matter of public interest and has been discussed widely in the media. In the UK,

by contrast, the debate has been stifled because ITN issued a libel writ against the editor and publishers of LM magazine. We encourage others to join us in condemning ITN's decision to act in this manner as a deplorable attack on press freedom. We reject the threat of costly libel action and call on ITN to defend its position through free and open public debate.

ITN has displayed contempt for the public's right to decide the relative merits of two sides of an important argument. We call on all those who value their freedom to join us in demanding the right to make up our own minds.

DM THOMAS

I ABSOLUTELY AGREE THAT SUCH MATTERS SHOULD BE ARGUED OUT IN THE COURT OF PUBLIC OPINION, RATHER THAN STIFLED BY LIBEL ACTION

JEANETTE WINTERSON

NO HUGE MONEYED ORGANISATION HAS A RIGHT TO USE ITS POWER AGAINST THOSE WHO ARE GENUINELY FIGHTING FOR A BETTER WORLD

WILL SELF

IN A WORLD IN WHICH GOVERNMENT AGENCIES CONSISTENTLY MANAGE AND STRUCTURE THE TRUTH IT'S THE DUTY OF NEWS ORGANISATIONS TO STRIKE THEM OUT—ITN ABROGATED THIS RESPONSIBILITY

RALPH STEADMAN

I BELIEVE WE WERE BORN WITH A MOUTH TO DO MORE THAN JUST SUCK, SPIT AND WHISTLE

A L KENNEDY

LM MAGAZINE AIDS THE DEFENCE OF AN INFORMED DEMOCRACY IN A TIME WHEN IT IS DEEPLY THREATENED. I DO NOT AGREE WITH EVERYTHING IT SAYS, BUT FIND IT INTELLIGENT, STIMULATING AND INFORMATIVE AND WOULD DEFEND ITS RIGHT TO EXIST

ALASDAIR GRAY

BUSINESSES THAT PROFIT BY SPREADING NEWS AND DISCUSSION OF NEWS CAN DEFEND THEMSELVES FROM CRITICS BY MORE NEWS AND DISCUSSION. USING MONEY AND LAW TO DAMAGE A CRITIC IS BAD FOR TRUTH, BAD FOR DEMOCRACY

PATRICK GALE

IT IS A SAD COMMENT ON THE STATE OF TELEVISION JOURNALISM THAT A ONCE-REPUTABLE COMPANY LIKE ITN SHOULD STOOP TO THE RICH MAN'S LUXURY, A LIBEL ACTION, RATHER THAN RISK OPEN DEBATE

PHILIP & RHONA STOKES

IT IS INCREDIBLE, GIVEN THE EVIDENCE AND THE INDIVIDUALS OF INTERNATIONAL STATUS ALREADY ON YOUR SIDE, THAT ITN HAS THE NERVE TO CONTINUE. THEY SHOULD CRAWL AWAY IN UTTER EMBARRASSMENT

COLIN SHINDLER

I DEPLORE ITN'S BULLYING TACTICS IN THIS WORRYING CASE AND APPLAUD LM'S DEDICATION TO THE PUBLICATION OF FACTS WHICH WILL ALLOW THE PUBLIC TO MAKE UP ITS OWN MIND

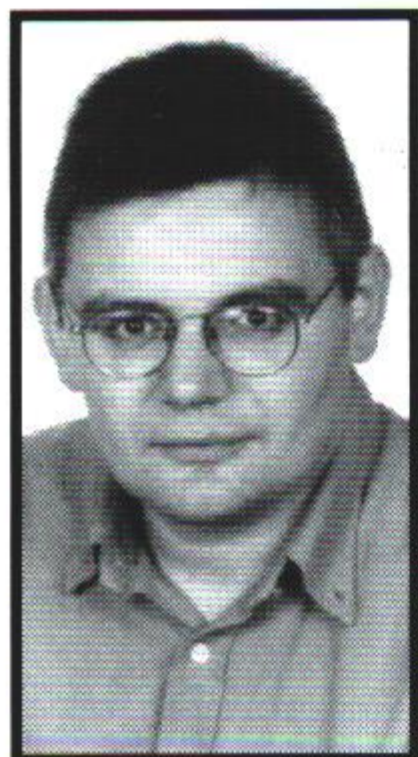


**THE FREEDOM ISSUE**

LM takes to the stand in defence of life, liberty and having it all

# A FREE COUNTRY?

James Heartfield challenges the new fear of freedom



Imagine a country that turned its back on freedom.

It would be a country with a growing number of policemen. More people would be in prison than ever before. Video cameras would track your every move in public. Thousands of those who were not in prison would be subject to non-custodial sentences, like probation, or put on special registers so that they had to report to the police on a regular basis.

Imagine a country that turned its back on freedom. Officials from public bodies would interfere in every aspect of your life, advising you on what you buy, eat and drink, what you

read and the television programmes you watch. Professionals would be persuaded to spy on the people that they were supposed to be serving: teachers would inform on parents, doctors would be told to inform on their patients, health visitors would be taking notes on the way that parents raised their children.

A regime that distrusted people to make decisions freely would rely more on the advice of professionals. Elected bodies would be sidelined in favour of committees stuffed with self-styled experts. Open public debate would be decried as rabble-rousing and confrontational. Government, they would say, proceeds best by consensus and agreement.

Regimes without freedom have often tried to re-educate people in the 'right' way of thinking. Lessons in schools and colleges would advise people on the behaviour that is expected of them as citizens. Even television soap operas would contain advice on how to behave. Like the medieval priests, special advisers and mentors would listen to your confessions, and guide you on how best to live your life.

Surely nobody would put up with such a regime? Even under the military dictatorships in South Africa or Eastern Europe there were always some people who protested. But all of these things are happening right now, here in Britain, and we do put up with it.

In Britain in 1998, freedom is not a word that springs to many people's lips. More often it is associated with problems and dangers. The Manic Street Preachers sing 'If you tolerate this, then your children will be next'. Tolerance used to be a positive value but nowadays it is valued at zero. It is pretty hard to tell just what it is that you are turning your back on in the song, environmental degradation or gun control maybe. More to the point it is a universal anthem for people whose mistrust of other people is innate. Just turn your back for a moment and who knows what they will be up to.

Any contemporary discussion of freedom takes as its starting point the idea that freedom is a deeply problematic concept. First of all freedom is seen in the plural, putting a question mark over which kind of freedom you want. And then freedoms are presumed to be in conflict with each other, as the philosopher Mary Midgley argues on page 30. The very fact that the idea of freedom invites such soul searching indicates that it is indeed a problematic thing, though not because freedoms are bound to conflict. In the eighteenth century, when the modern concept of freedom was being formed, political thinkers assumed that it was impossible for one freedom to contradict another (as in the idea that a nation which enslaves another can never itself be free). The different perceptions of freedom—that it was a self-evident

truth in 1776, but that it is deeply problematic today—are due to the different historical contexts in which freedom has been discussed.

The prejudice that left to their own devices people will get up to the very worst is surprisingly strong in current circumstances. In Gordon Burn's new book *Happy Like Murderers*, about the sex-killers Fred and Rose West, Fred West is painted as the perfect caricature of the Englishman whose home is his castle. He did home improvements. He didn't like people nosing about in his cellar. The lesson that Gordon Burn is teaching us is that if you leave people to their own devices they will be chopping other people up before you can say 'Bob's your uncle'.

But what was really so appalling about the West murders, surely, was the imprisonment and abuse of their victims. What makes everybody shudder is that they sought to keep their prisoners alive. The real horror lies not in the murders or even the pain, but in the humiliation and injury of being subordinated to another's will.

Seventy-four per cent of people value the right to a driving licence more highly than they do the right to vote. That might seem a pretty depressing statistic, but it does show that people value those freedoms that are most intimate to them, even if they rarely express it in the grandiose language of liberty.

However much we value our own room to manoeuvre, though, the idea of other people's liberty seems a lot less important. To understand why, you have to understand the way that the political changes over recent years have made freedom into a dirty word.

From 1979 until the 1990s freedom was the preferred slogan of the ruling Conservative Party. In the name of freedom the Conservatives took away many of our basic civil liberties, from the right to demonstrate without police permission to the right to organise our own trade unions without legal interference. Every year the Conservatives passed new laws restricting people's rights. But they did all of this in the name of freedom—by which they essentially meant the specific freedoms of businessmen in a market economy. Under the Tories, the word freedom became synonymous with the sectional privileges of a small elite. Understandably the word wore a bit thin.

In itself that need not have been a problem, if there had been another side to the debate. If there had been another version of what it meant to be free, other than the free market, the idea could have survived in the popular imagination. But just as the Conservatives were reducing the meaning of freedom to the narrow conception of the free market, something even worse was happening on the left.

Over the past 20 years it has increasingly seemed that, for the supporters of the Labour Party, liberty is something to be distrusted, as necessarily favouring the privileged. The left became so defensive that it more or less accepted the Tories' narrow interpretation of freedom as the freedom of the market only. But where the Tories embraced market freedom, Labour only sullenly accepted it, nursing a massive grudge against the very idea of freedom which seemed to work against the left in election after election.

Today the right has collapsed—not just in Britain but across Europe and North America. The Gaullists in France, the Christian Democrats in Germany and the Republicans in the USA have all been reduced to rump parties whose only opportunity to exercise influence is by legalistic skulduggery, or by imitating the Third Way adopted by their opponents.

But tragically the collapse of the right has not led to a new era of civil liberties and independence. On the contrary; instead of taking the

defeat of the right to mean that real freedom can flourish, the left has accepted the right's claim to represent liberty and has drawn the false conclusion that liberty is something suspect and reprehensible. As the right's ship has gone down it has taken the case for freedom with it—as if it was a hostage tied to the mast.

Freedom today is often seen as a bad thing, especially the freedom of individuals to decide for themselves how to live their lives. In the rhetoric of New Labour, individualism as such is seen first and foremost as a problem. Tony Blair's new pamphlet *The Third Way* rarely talks about freedom except with a 'but' attached, as an expression of his own discomfort with the notion that people might be able to make their own decisions, independent of his advisers. 'The truth is that freedom for the many requires strong government', writes Blair, just in case anybody gets the idea that we most need to protect our freedoms from the state. Blair says:

'For the right, opportunity is characteristically presented as the freedom of individuals from the state. Yet for most people, opportunities are inseparable from society, in which government action necessarily plays a large part.'

## THE SPECIAL CONTRIBUTION OF THE LEFT IN POLITICS TODAY IS A DIATRIBE AGAINST INDIVIDUAL FREEDOM

The implication is that individual freedom, especially freedom from the state, is somehow a right-wing idea, which deserves to follow the Tories into the dustbin of history. Understanding the difficulty of rubbishing freedom so easily, Blair tries to blur the issue, by contrasting 'bad' individual freedom with the 'good' society, and then by a further sleight of hand confusing 'society' with government.

The argument that individual freedom is at odds with society is just plain wrong. The fact is that a society of people who did not want to make their own decisions would be no kind of society at all, just a hotbed of prejudice and bigotry—more like Salem during the witch-trials than a modern democracy.

But for Tony Blair's Third Way guru Anthony Giddens, the very meaning of socialism is hostility to individualism. 'Socialism began as a body of thought opposing individualism', he writes in his new book *The Third Way: the renewal of social democracy*, adding, 'its concern to develop a critique of capitalism only came later'. Giddens is palpably relieved that the long digression in which socialists criticised capitalism is over. Now at last socialism can be reduced to the real issue of restraining individualism.

Of course Giddens is roughly right on the history. There has always been a current on the left that was more interested in maintaining social order than social emancipation, going right back to the Tory Socialists like Thomas Carlyle. Now that the last vestige of the struggle against capitalism has been squeezed out of Labour, that strand of moral conservatism that wants to hold society together by stamping on the freedom of the individual has come into its own.

What is really galling, though, is the way that all the language and ideas of socialism, once stripped of their liberatory content, have been appropriated to Blair's moral conservatism. Once the word socialism

would have described the ambition to build a better society. But in Blair's mouth (when he even utters it) 'social-ism' just means patching up the one we already have, and that has failed us so badly.

In fact, Blair's New Labour is well placed to create a country without freedom. Much of the basic structure of modern society takes the idea of individual self-reliance and autonomy for granted. Whether it is getting a job, or setting up house, whether it is how the courts work or the goal of education, the basic idea of individual liberty has long been a building block of society—and taking it away is no straightforward operation. But that is where Blair's 'social-ism' comes in.

Once it has been detached from the ambition towards a broader social emancipation, the language of socialism and community provides an alternative set of values to those that are premised upon individual autonomy. Words that were virtually banned in the Thatcher years are making a comeback among the policy wonks who make up Labour policy. Today's policymakers are happy to talk about solidarity and community, but they tend to mean a community's solidarity against 'criminal elements', 'nuisance neighbours', smokers or car drivers, rather than solidarity with the Essex firefighters striking against spending cuts. The language comes from the left, but the intent is reactionary.

Concepts like individual rights and civil liberties are out. Instead New Labour talks about more ambiguous ideas like 'care', 'duty', 'service' and 'friendship'. What is characteristic about these New Labour values is that they all cut across ideas of sticking up for what's yours, and tend instead to elevate the altruistic side of behaviour. It seems to

be good taste to say that you are motivated by higher considerations like duty and care, instead of being vulgarly ambitious. The effect of imposing this etiquette is further to lower our expectations of what it means to be a free individual.

The left is particularly well equipped to feed this redefinition of society's basic motivations. It was, as Anthony Giddens says, always interested in creating alternative values to those of individualism and of the market. But the condition for the left's newfound influence is that all of its fire is concentrated on attacking individual freedom rather than proposing an alternative to the market.

Many people have been surprised by the apparent resurgence of the left—its election victories, the more open denunciations of fat cat bosses and even a revival of academic Marxism. Superficially it might seem that the political pendulum has swung back once again. But appearances are deceptive. The influence of today's 'left' is entirely contingent upon its own reinvention as a movement of moral conservatism and restraint. The special contribution of the left in politics today is a diatribe against individual freedom.

There was always something of a tendency for the left to be indifferent, or even hostile, to questions of individual rights. But in the past that was tempered by an underlying commitment to a broader social emancipation. Today New Labour has self-consciously erased any such goals, and all that is left is the conservative ambition of holding existing society together. Imagine a country that turned its back on freedom, and now look around you.

Friends of LM can buy Anthony Giddens' *The Third Way: the renewal of social democracy* at the reduced price of £5 plus £1 p&p. Phone (0171) 269 9224 for details



# PORN FREE

...and (non-user) Jennie Bristow would like it to stay that way



How do you feel when you flick through a copy of *Men Only*, or switch on a satellite porn channel? Maybe you are turned on, excited, interested at least. Maybe you are amused or embarrassed. Maybe you see porn as sexually liberating or even politically progressive. You can feel what you like; I really don't care.

But how about if you feel offended by Page Three, degraded by naughty websites and threatened by the Pirelli calendars at your workplace? Does that matter? If you are so upset by the calendars that you cannot work properly and feel you have to jack in your job, is that just your problem? Is the five minutes of fun enjoyed by the man with his hand in his

pants more important than the basic self-esteem you need to get through life? As for the principle of free speech, that may be all right for the pornographer but as anti-porn crusader Catherine A MacKinnon puts it, 'who listens to a woman with a penis in her mouth?'. Free speech, they say, is of little use in healing emotional wounds.

This is the new radical feminist argument for banning pornography, which literally comes from the heart and which, in these caring times, nobody can dispute. Now that, I do care about. It's a low trick which makes hurt feelings the end of the world and depicts defending freedom of expression as the act of a callous, insensitive person who has never had to suffer the trauma of psychological debasement.

Of course there are other feminist arguments for banning porn, but even as a feminist I never found them convincing. 'Porn objectifies women': does it? If women still have a subordinate status in society it can hardly be explained by dirty pictures. 'Porn causes rape': no it doesn't! If all the schoolboys whose wet dreams were based on girlie

mags went on to become rapists, Britain would be one big rape camp. 'Porn physically damages the women who act in it or model for it.' Only if you assume that all filmed rape scenes are real rape scenes, and even then there is already a law against rape.

But the latest argument for censorship, the porn-causes-emotional-injury one, really gets to you. Because what can you say? Of course people are hurt, offended and upset by some of the images they see. And in the self-obsessed, victim-centred society we live in today, how you feel is often elevated above all else. If you accept that what matters most is that people are not upset—or 'verbally abused', 'emotionally traumatised', 'mentally scarred', even 'psychologically raped', depending on how much you are against porn—you have an unanswerable case for censorship. Or self-censorship. Or 'sensitivity', as some might call it.

Take this example of how sensitivity meets censorship. At Leeds University in September, 2000 promotional copies of the men's lifestyle magazine *GQ* were pulped because its pictures of sexy girls were deemed to be an example of the 'objectification' of men and women. Leeds University students' union has always taken a strong line on this, having banned the *Sun* newspaper from sale four years ago; but since the ban was overturned the executive has been sensitive about restricting freedom of speech according to its own prejudices. So while the shop continued to sell *GQ*, the 2000 promotional copies, sitting downstairs, covered up by the women's society banner, were pulped. Why? Because one twentysomething graduate, a former women's officer and students' union life member, claimed that she felt 'harassed' by the concealed filth.

Or this example. At a feminist conference two years ago in Brighton, I interviewed Alison Lochhead, a feminist artist whose work had been removed from display in the main foyer and hidden in a tiny room at the top of a building. 'Rape news' and 'Telephone directories 1 and 2' were collages that counterpoised porn ads and images with newspaper

# THERE IS SOMETHING IN THE AIR

...says Marjorie Nicholson, and it smells more unpleasant than stale tobacco smoke



In recent months we have witnessed a new crusade against smokers in the workplace and women who smoke, especially if pregnant. The spitefulness evident in some anti-smoker arguments illustrates all too well the changes taking place in Blairite Britain.

In the workplace, a survey conducted by a well-known pharmaceutical company 'revealed' that a substantial proportion of non-smokers thought that smoking colleagues should have their wages docked for time spent on smoking breaks. Not content with expelling smokers from the building (as is the case in many workplaces), some people now wish to reduce their income even if they are

fulfilling the terms of their contract during the time spent at their

workstations. The logical conclusion of this argument is not to employ anybody who smokes. And this is not scaremongering; the Professional Association of Teachers recently voted in favour of just such a motion at their annual conference.

Even more insidious are the attacks on women who smoke, especially if pregnant. Any woman who has gone through pregnancy will be familiar with the lists of dos and don'ts thrust into her hands the minute she walks into the antenatal clinic. A woman who is pregnant is a non-person, relegated to little more than a walking incubator with the 'rights of the unborn child' elevated above any that she might have as a human being. The logical conclusion to the arguments of those who rant against women smoking in pregnancy (or doing anything else they are advised not to do) is to keep all pregnant women under constant surveillance and punish them for any lapses in behaviour. Indeed, in America pregnant women have been imprisoned for drinking alcohol!

The anti-smoking strategy of control consists of two elements. First,



Even men's lifestyle mags can be banned because they 'hurt'

articles about rape. The conference delegates who complained about the display had no doubts about its anti-pornography message. But the very fact that the images were there upset them to such an extent that they could not bear to have it in sight. As Ms Lochhead told me, 'I did this display to expose porn for what it is and to provoke discussion about the issue'; but in a conference where listening to women's feelings was paramount such a discussion could not be had.

Get the picture? You can have endless political discussions about the impact of pornography on women's rights. You can debate the evidence as to whether porn directly causes physical harm. You can even speculate, as some sexual-identity feminists now do, that pornography (or 'erotica') might be good for women's rights. But you cannot argue against the fact that porn upsets, 'emotionally harms', some women: even if you don't believe them you can't get inside their heads and prove they are lying, can you? Our post-Diana society seems to have decided that you are how you feel, that hurt feelings are as damaging as hurt bodies, and that protecting people from emotional harm is more important than defending freedom of expression. 'Are you *really* saying that his freedom to wank is more important than my freedom not to feel like I am being mentally undressed whenever I open a newspaper?' That kind of thing.

Pornography does not bother me one way or another. I don't think it advances women's rights or holds them back, and I would rather have sex than look at other people having it. What bothers me is that my freedom to express and experience contentious ideas or images of any kind should be constrained, because other people are assumed to be too weak to deal with an image that might make them cry. I particularly resent the assumption that I am like this too; that other people will restrict what they show me because they think I might be upset. As a person, 'as a woman', I am capable of much more than that; and for this, the inevitable label of 'insensitive' is a price well worth paying. ●

identify the target group and undermine its confidence. Second, evoke indignation, fear or jealousy among those who are not in the target group. The ultimate objective is to make smokers feel as wretched as possible, and undermine their confidence and willingness to assert their right to decide for themselves whether they smoke or not. This strategy depends on maintaining the division between those who smoke and those who do not, while legitimising the persecution of smokers.

To see the success of the strategy, look at the issue of smoking in the workplace, and in particular at the behaviour of trade unions. When Welwyn and Hatfield council announced their intention to remove all provision for smokers by the year 2000, to prohibit any employee from smoking even if working outside council buildings, and to dismiss anybody who failed to comply, council officials declared that this policy had been adopted with the support of the trade union. Thus, an organisation whose *raison d'être* is to protect the jobs of its members is supporting a policy which could result in them losing their jobs simply for pursuing a lifestyle choice.

Where cases have come to light of smokers alleging that they have been denied access to medical treatment because they are smokers, the response of those organisations supposedly campaigning for patients' rights has been deafening silence. It was a brave Church of Scotland which defended the right of women to smoke, accepting that for the less well off it was one of the few pleasures they could afford and one that

helped alleviate some of the tension of their circumstances.

Choosing how you live your life, including the choice to engage in activities which others might disapprove of or find distasteful, is an expression of our individuality and our means of defining what and who we are. It is the expression of freedom and free will.

The attack on smokers is just one manifestation of the general tendency of government to seek to exert control over the population. Freedom of action implies freedom of thought, neither of which are particularly helpful to government, and especially to a government which declares that it has a 'vision' of what society should really be like.

Mr Blair's vision is of a new and confident Britain. However, if this policy of divide and rule is to be applied against others as systematically as it has been against smokers the outcome is more likely to be a Britain whose people become tired of the perpetual bombardment of things they are called upon to hate or be fearful of, confused over how to behave towards one another, and devoid of the confidence to express any opposition. This is why smokers' rights matter. ●

Marjorie Nicholson is director of FOREST, the smokers' rights campaign

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# COULD THE HIGH COURT ORDER YOU TO HAVE AN OPERATION?

**Barrister of the Year Barbara Hewson thinks that some judges are failing to respect patients' autonomy**

Anybody concerned about civil liberties in the UK should pay close attention to the growing use of the Family Division of the High Court by NHS Trusts and other public authorities, to sanction non-consensual medical treatment of adults and children. The facts of many reported cases are disturbing. The outcomes suggest that courts too often fail to protect individuals from unwarranted invasions of fundamental rights.

There have been some bizarre rulings on medical treatment by the Family Division. In a case called *Y (Mental Patient)* (1997) a judge decided that Y should undergo blood tests (including 'lending' a pint of blood) and a 'conventional bone-marrow harvesting operation' under general anaesthetic, at the request of her sister who had leukaemia. A possible unrelated donor had been found, but sibling transplants were more likely to succeed. Y was severely mentally and physically handicapped, could hardly speak and suffered regular fits. Y enjoyed occasional visits from her sisters and weekly visits from her mother; she liked her mother's visits, but could not appreciate who she was. Y was represented by the Official Solicitor (who normally acts for people who are not competent to instruct lawyers; for example, young children, coma victims, etc). The proposed operations were of no physical benefit to Y. The judge decided that it was in Y's 'best interests' to undergo these procedures for her sister; their mother was ill and if the sister died, the mother would probably not have as much time to visit Y.

*CH v Tameside & Glossop AHA* (1996) is another. In July 1995 CH, a paranoid schizophrenic, was detained for treatment under the Mental Health Act 1983. CH was then found to be pregnant. Anti-psychotic medication for her schizophrenia was withheld. She was put on mild tranquillisers. CH was concerned about their effect on the fetus, but was described as 'apt to resist treatment'. Later the hospital decided that the baby was 'small for dates' and wanted to induce labour on 7 January 1996. CH agreed. The Health Authority applied to the court for permission to impose a caesarean, using restraint if need be, *in case CH changed her mind*. A psychiatrist said if force were used on CH this would have a negative effect in the short term, but later she would appreciate that it was in her 'best interests'. The Official Solicitor and the hospital agreed that CH lacked capacity. The Official Solicitor asked the court to authorise a caesarean (with force) under section 63 of the Mental Health Act, as opposed to common law. Section 63 only allows compulsory medical treatment of *mental* disorder, provided it is given at or under the direction of the responsible medical officer. The judge

ruled that a caesarean (with force) was treatment for the woman's paranoid schizophrenia under section 63.

Between 1992 and 1996, in other cases of court-ordered caesareans, family courts effectively ceased acting judicially, instead acting as though they were an arm of the executive. NHS hospitals used the courts to authorise non-consensual obstetric intervention, without ensuring that the women had legal representation. Such applications were made *ex parte* (that is, one side only) and decided in a matter of minutes (sometimes by telephone). The judges were not troubled by such elementary breaches of natural justice, and made orders for the detention and forced treatment of these women, usually without any evidence, and once without even knowing the woman's name. One judge claimed to have made three orders in a fortnight. Sometimes the judges said that the women lacked capacity to decide for themselves, or ruled that the court could override their competent decisions. Two cases concerned so-called 'needle phobia'. In one case, the judge authorised the use of force to impose a non-consensual forceps delivery.

In some cases the Official Solicitor appeared by a QC as an *amicus curiae* (that is, friend of the court). In the first, *S* (1992), which set the precedent for the others, he said: '[T]he difficulty is that the English law does not recognise yet the personality of the unborn child...On the view that the child is not yet a person...we cannot be here representing it as guardian, so I am simply here as an *amicus*, doing my best in desperate circumstances, perhaps to nudge your lordship in a particular direction...'

What has gone wrong? Common law prohibits any non-consensual touching (however slight). Here is the Court of Appeal in a wrongful arrest case, *Collins v Willcock* (1984):

'The fundamental principle, plain and incontestable, is that every person's body is inviolate. It has long been established that any touching of another person, however slight, may amount to a battery...The breadth of the principle reflects the fundamental nature of the interest so protected. As Blackstone wrote in his Commentaries, seventeenth edition (1830), vol 3, p120: "the law cannot draw the line between different degrees of violence, and therefore totally prohibits the first and lowest stage of it; every man's person being sacred, and no other having a right to meddle with it, in any the slightest manner." The effect is that everybody is protected not only against physical injury but against any form of physical molestation.'

Students of political thought may detect echoes of John Locke ('every man has a *property* in his own *person*') and John Stuart Mill ('Over himself, over his own body and mind, the individual is sovereign').

All adults (even those detained in mental hospitals) are presumed to have capacity (or competence) to make decisions about their medical treatment. The legal definition of capacity is: a person can comprehend and retain the information material to the decision, especially as to the likely consequences of having or not having the treatment in question; and can use the information and weigh it in the balance as part of the process of arriving at the decision. A person with capacity can refuse treatment for reasons that are rational or irrational, or for no reason.

Lord Reid gave a salutary warning about courts interfering with adults' autonomy in a paternity dispute (after a lower court tried to make a man have a blood test), *S v S* (1972):

'There is no doubt that a person of full age and capacity cannot be ordered to undergo a blood test against his will...English law goes to great lengths to protect a person of full age and capacity from interference with his personal liberty. We have too often seen freedom disappear in other countries not only by *coups d'état* but by gradual erosion: and often it is the first step that counts. So it would be unwise to make even minor concessions.'



That did not stop the ingenuity of lawyers. In 1993 a local authority attempted to make a fetus a ward of court, in order to arrest a pregnant woman, detain her in hospital, and take the baby into care once born. The Court of Appeal refused, saying that judges have no jurisdiction to interfere with pregnant women's civil liberties like this.

In *Re F* (1990) the House of Lords was asked to authorise the sterilisation of an adult woman with severe mental impairment (the verbal capacity of a two-year old and the mental age of a four to five-year old). Lord Brandon explained when consent is not required by law:

'One case is where, as a result of an accident or otherwise, an adult patient is unconscious and an operation or other treatment cannot be safely delayed until he or she recovers consciousness. Another case is where a patient, though adult, cannot by reason of mental disability understand the nature or purpose of an operation or other treatment... a doctor can lawfully operate on, or give other treatment to, adult

**YOU CAN ONLY GIVE A VALID CONSENT IF YOU AGREE WITH YOUR DOCTORS. IF YOU DISAGREE YOU MUST BE INCOMPETENT**

patients who are incapable...provided that the operation or other treatment concerned is in the best interests of such patients.'

In the *Bland* case (1993) the House of Lords was asked to authorise the withdrawal of food and hydration from a patient in a permanent vegetative state, and let him die. Lord Goff reiterated that where patients have capacity, their views are final:

'The principle of self-determination requires that respect must be given to the wishes of the patient, so that if an adult patient of sound mind refuses, however unreasonably, to consent to treatment or care by which his life would or might be prolonged, the doctors responsible for his care must give effect to his wishes, even though they do not consider

it to be in his best interests to do so...To this extent, the principle of the sanctity of human life must yield to the principle of self-determination...I wish to add that, in cases of this kind, there is no question of the patient having committed suicide, nor therefore of the doctor having aided or abetted him in doing so.'

But withdrawal of life support was lawful, provided that it was in an unconscious patient's 'best interests'.

*Bland* and *Re F* stated that it was 'good practice' for doctors seeking to sterilise the mentally disabled, or to withdraw life support from coma victims, to apply to the Family Division. This was to allay public concern over euthanasia and eugenics. The idea was that the court would provide some independent review of the doctors' decision. There was no dispute about patients' capacity: they had none. There was no question of using 'restraint'. The problem with such cases is that they engender an expectation on the part of doctors and lawyers that leave will be forthcoming from the courts.

The legal position with children (persons under 18) is somewhat different. A 1969 Act gives 16 to 17-year olds the right to consent to medical treatment. Under 16, a child has no equivalent right. But the House of Lords ruled in *Gillick* (1986), that if a person under 16 is capable of understanding what is proposed, and of expressing her own wishes, she can give a valid consent. In 1991-2, the family courts rebelled against *Gillick*, claiming a *parens patriae* jurisdiction over children (that is, the state acting as parent). This meant that a judge could veto a competent child's decision to refuse treatment, if treatment was in the child's 'best interests'. So, in theory, you could agree to go on the Pill aged 15; but a judge might force you to have an abortion if the Pill didn't work! If a minor physically resists the court can authorise force ('restraint') to impose treatment. The idea of court-ordered violence is profoundly disturbing and to my mind undermines the dignity of all concerned.

Another way of imposing non-consensual treatment is for the hospital authority to claim that a person lacks capacity. In some cases involving anorexics the court has found that they can be force-fed, even compulsorily detained in a clinic, on the basis that anorexia has so clouded the individual's decision-making powers that she is incapable of making a decision at all. Such paternalism in the family courts has led to a curious catch-22: you can only give a valid consent if you agree with your doctors. If you disagree, you must be incompetent.

What now? Following a recent Court of Appeal decision, *MS* (1998), it is clear that courts cannot force competent pregnant women to undergo medical treatment against their will, and that the Mental Health Act 1983 cannot be used to detain people suffering from physical disorders. The Court of Appeal said that *ex parte* orders are not legally binding on victims of court-ordered treatment, who can sue for assault. But the court laid down guidelines for the conduct of cases where a patient's (any patient's) capacity is challenged by a medical authority. While patients are supposed to be represented, some trusts still want to rush them into court. I suspect that some judges and public authorities have a lot to learn about the right to a fair trial in such cases.

**Barbara Hewson** practises as a barrister at Littman Chambers, Gray's Inn. She received the first Lawyer/HIFAL Barrister of the Year award in June, for her work on the forced caesarean issue

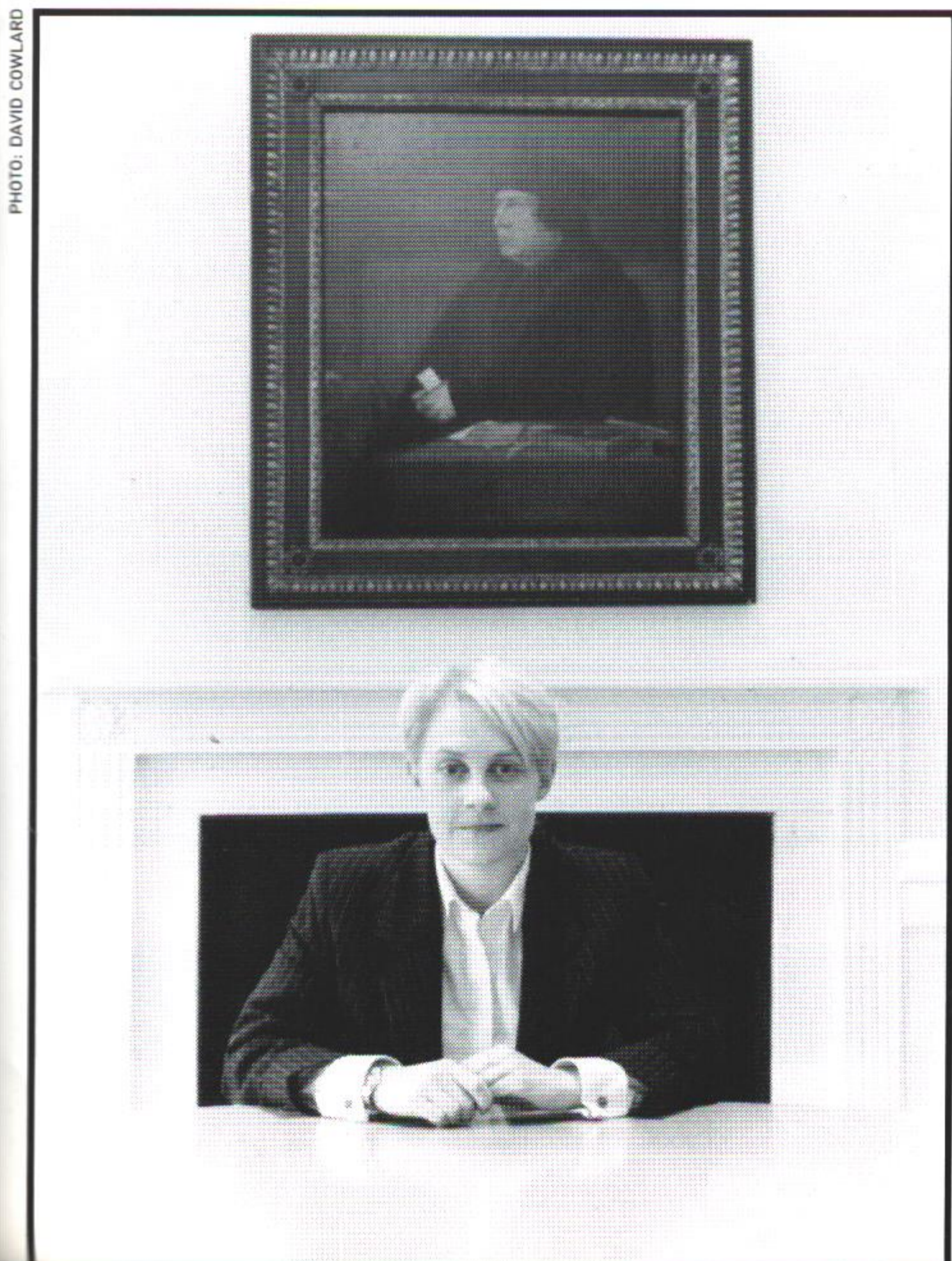
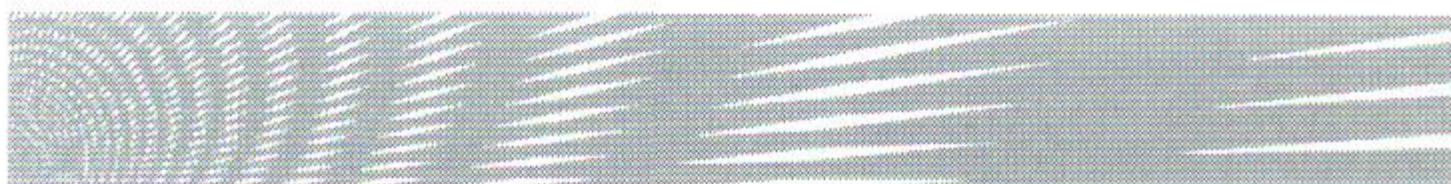


PHOTO: DAVID COWLARD



Glasgow community worker Stuart Waiton reports on the impact of New Labour's child curfew, one year on

# A CURFEW TOO FAR



I arrived in Whitehill at 9pm on a cold October night. The flash of camera bulbs greeted me as the first child was dragged home by sergeant McCallum. This was the start of the now infamous Hamilton curfew.

One year on and this Scottish experiment is set to be introduced in England and Wales; although down south it will affect children up to the age of 10, rather than 16 as in Glasgow. But what has the curfew meant to the young people it has already affected?

Officially called the Child Safety Initiative, the curfew was set up in three working class areas of Hamilton. Strathclyde police were to take any child under the age of 16 back to their

home if they did not have a good reason to be out on the street 'after dark'. By April this year 229 young people had been dealt with by the police (63 per cent of them for loitering), the initiative was hailed as a success, and what was intended to be a six-month pilot initiative was extended and continues to date. The police report analysing the curfew came out in October.

The police and south Lanarkshire council, who were jointly responsible for this initiative, were adamant that this was not a curfew or an oppressive form of policing. It was a safety initiative to protect both adults who had been complaining about young people on the streets at night, and children and young people themselves. But after interviewing eight to 15-year olds in Hillhouse—the largest of the three targeted areas—I found nothing to suggest that these young people were in any great danger. Indeed, if anything, the greatest danger they face now is of being burdened with adult insecurities and missing out on their childhood.

Launching the Child Safety Initiative, chief constable John Orr cited examples of small children wandering the streets at night and said that parents needed to be reminded about the dangers their unsupervised children faced, such as paedophiles. But Joe Parfery, who chairs the community council and knows most of the concerns of local people, was unaware of any paedophile problem in Hillhouse. He rarely sees young children out late. 'I see a few out at about 10.30pm some nights', he told me, 'but really what's wrong with that anyway? I used to be out at that time when I was a kid but now it's a crime'.

Of the 32 primary school children I interviewed who lived in or around Hillhouse, none ever played out after 9pm and most were in the house by 7.30pm. Half of them had had their playtime reduced by an hour since the introduction of the curfew. 'I've got to be in before the football's finished now', James complained. None of them had been staying out late, but John Orr's warning had obviously made an impact: every child who now returns home earlier explained that their parents were concerned that they would come into contact with the police.

Rather than finding neglectful parents, I found that parental involvement in these children's activities is high—if anything, many parents are overprotective. Children tend to spend their spare time in organised clubs that their parents take them to. A third are also escorted by parents when visiting friends, and those who are allowed to walk to friends' houses alone are often closely watched. 'My mum phones Jackie's house first', explained Pauline. 'She watches me walk to the end of the street and Jackie's mum watches me from there.'

There is no indication that the safety initiative has given parents

greater confidence to allow their children more freedom. Indeed, now parents have the extra worry that their children may be seen as bad kids if they are out after dark—and they could be labelled as bad parents.

Only two of the teenagers I spoke to had had their 'in time' changed since the introduction of the curfew. Again the time these young people stayed out was unexceptional, with only two 15-year old males ever being out after 10.30pm. The teenagers felt frustration about being moved on by the police and being reported to the police by adults—especially by more elderly members of the community.

'There's about 15 of us', Claire told me, 'and some of the pensioners think we're what they see on the TV, and think we're going to smash their windows or something. If they asked me to move I'd make sure we did, but they usually just phone the police'. Sixty-year old George, who lives in Hillhouse, told me he was happier now that the young ones who drank were no longer there. He'd never had any bother off them, but was always nervous when he walked passed.

An opinion poll in the local newspaper found that 95 per cent of those asked were in favour of the curfew—largely because they thought that young people were out of control in their area. However, when I find grown men and women too afraid to approach nine and 10-year olds about their behaviour, it becomes clear that it is not the activities of young people that have changed but the growing insecurities of adults.

This sense of insecurity, reflected in an inflated fear of crime, is not a Hamilton or south Lanarkshire phenomenon. Youth and community workers across the country face similar complaints about rowdy young people. Patrick, a community worker in Epping Forest in Essex, told me, 'I'm getting more and more adults complaining about kids hanging around their streets—and it's not like up your bit, there's virtually no unemployment down here, no graffiti, no nothing'.

The growing insecurities that many adults have about young people are now being institutionalised in the new policing practices in Strathclyde. Rather than intervening where a criminal act is actually being committed, the police are starting to move young people on simply because they may be causing fear among adults who don't know them. But more security does not necessarily mean these adults are becoming more secure. Joe Parfery raised his doubts about whether the safety initiatives work: 'We keep having these initiatives for new locks or new peepholes on your front door, but you just get people worrying even more about whether the new lock's strong enough.'

When the curfew was first introduced, civil liberties and children's rights groups warned that it would lead to a growing tension between young people and the police. But this underestimates the sense of insecurity and the amount of policing that young people are in favour of. While a slight majority of those from Hillhouse are against the curfew and are frustrated at being stopped or moved on by the police, almost all of them are keen to have some form of safety initiative in their area. The insecurity of these teenagers is not based on experience. They have not had any major problems while they are out at night. A few had been in fights, some had had some bother with the older drunken youths who hung about the shops, but generally their lives are like any other teenager growing up on a working class estate. Hillhouse is certainly no ghetto.

Surprisingly, well over a third of these teenagers—more than the number of primary school children—are driven or escorted to or from their friends' houses at night. Graham told me that he wasn't scared about going out himself but his parents would worry and he had got used to



Who's afraid of the three little pigs?

PHOTO: LM ARCHIVES

being driven about. Michael, who had been attacked by a group from outside Hillhouse one night last year, had decided he was never going to hang about the streets again—he is now driven everywhere by his mother. The curfew has not given Michael any more confidence to go out again; as he explained, 'the police can't be everywhere all the time'.

Michael is an extreme example, as in Hillhouse most young people do go out at night by themselves and they are certainly not in a permanent state of fear, especially when among friends. But safety has become an increasing concern for these young people, and something many now expect to be provided for them. The curfew has increased this expectation. At a time when young people should be developing greater independence and starting to enjoy their freedom they are being encouraged to 'think safety'. Being streetwise is out. It is now wise to stay off the streets, or at least be 'aware' of the 'potential' risks.

Today it appears that what used to be seen as part of growing up is now too dangerous for our young people to cope with. In the end this could be a self-fulfilling prophecy. As one semi-retired child researcher, Mayer Hillman, who described the curfew as 'monstrous', said to me: 'If there are dangers on the street, why not keep your children in the house for ever? In the short term taking away children and young people's freedom may minimise injury but in the end these teenagers will be less safe because they'll be less able to cope with life. If they don't learn to deal with people they will remain strangers for life.'

Stuart Waiton is spokesperson for Generation: Youth Issues, and author of the forthcoming report 'Generations apart: the Hamilton curfew'

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# MYRA, ME AND THE LYNCH MOB

Diane Dubois, whose 'tasteless' play sparked moral outrage at the Edinburgh Festival, puts her case for free-thinking theatre



My play, *Myra and Me* (yes, that Myra), was forced to move venues at this year's Edinburgh Festival Fringe because the financial backers of the original venue, having received letters of complaint from some self-appointed guardians of our moral well-being, got cold feet and threatened to withdraw support from a whole chain of venues unless my 'tasteless' play was axed.

Needless to say, neither the backers nor the letter-writers bothered to read or see the play before condemning it. They didn't have to: their opinions on the matter were already established. It is a scary time for all of us who work in the arts when financial backers think

they can dictate artistic policy. It is even scarier when they choose to do so without bothering to look at the piece of art in question.

I had hoped that the idea of 'good taste' had gone out with Matthew Arnold, but it seems to be making something of a comeback. 'Taste' can mean little more than subjective preference, but the mood of the moment seems to extend way beyond the likes and dislikes of any one individual. Contemporary notions of 'good taste' frown upon personal preference, choosing instead to propagate a uniformity of opinions, dictating notions of 'common decency' and squeezing out debate in the process.

Matthew Arnold talked about taste because he feared anarchy. And if we look below the surface of this contemporary culture of 'good taste', fear is what we find. So what is it, today, that we are all afraid of?

People often respond with fear and anxiety when some of us decide

to examine nasty things like the Moors murders; the shock and dismay is reminiscent of a Victorian nanny catching naughty children peeking at things they shouldn't be allowed to see. We are told that our curiosity is 'unhealthy', and that wanting to know, to open debate about a matter which is 'naturally' closed, can only be the desire of a sick mind. We are encouraged to turn a blind eye and leave well alone.

It is obvious to me that to wish to examine something is not to condone it. Yet when somebody tries to ask questions about taboo subjects today, they are assumed to be sympathetic to the subject, maybe even a little deranged, and certainly suspect. They become an outcast, and this coming adrift from the herd is also something which many fear. Better to be seen to be part of the lynch-mob than to become its quarry.

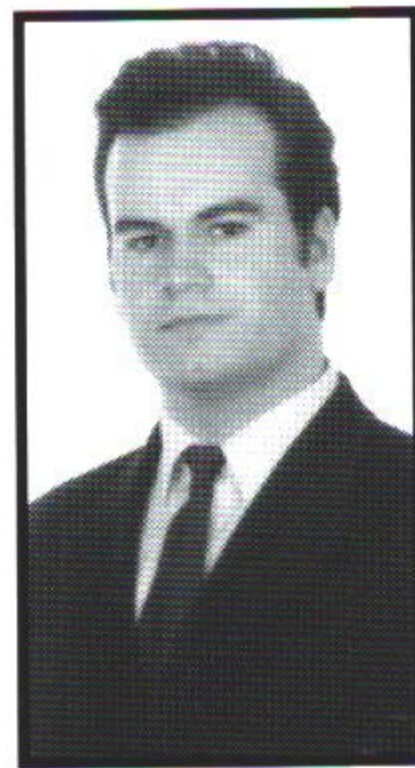
And so, as a result of all this fear, I am branded as tasteless; as an insensitive, inhumane sensationalist cashing in on tragedy.

Shakespeare wrote tragedies, with all the implications of fate and providence that the word implies. And tragedy, like taste, is a concept I thought somewhat outmoded. We are not as flies to wanton boys, killed, by the gods, for their sport. We are people, some of whom are doing dreadful things to other people, every day. And to call these dreadful things tragedies is to fail to take full responsibility for our actions.

But tragedy sells. People want to read it, watch it, hear about it. And in our 'wound culture', the victim who has suffered the greatest tragedy is given the loudest voice and the most respect. Reportage on world events is reduced to some sort of horror gameshow, where the contestant with the biggest catalogue of personal disasters wins. And we all shake our heads, say, 'What a shame. Tragic. Nothing we can do about it'. And the result is inertia. We spout a lot of medieval, superstitious

## DALAI LAMA 'A RELIGIOUS DICTATOR'

The Dalai Lama, Hollywood's favourite 'freedom fighter', stands accused of repression. But his admirers in the West remain silent. Brendan O'Neill reports



The Dalai Lama, head of the Tibetan government-in-exile and Buddhist spiritual leader, has become a Gandhi-like figure since he was awarded the Nobel Peace Prize in 1989. He is revered by many for his peaceful opposition to China's 50-year occupation of Tibet and for defending religious freedom—and nowhere more so than in Hollywood, where Richard Gere, Martin Scorsese, Emma Thompson and other stars are leading members of his fanclub. According to Gere, the Dalai Lama's humanity is 'profoundly transforming and liberating'.

But the Dalai Lama stands accused of being a human rights abuser. Since 1996 his government-in-exile has suppressed a Buddhist deity known as Dorje Shugden, banning its religious worship and ostracising those who refuse to comply. As a group of Tibetans commented in an open letter, 'Your image is Dalai Lama, your mouth is Mahatma Gandhi, but your heart is like that of a religious dictator' (cited in 'A report on the Dalai Lama's abuses of human rights and religious freedom', James Belither, 1997).

The deity Dorje Shugden has been worshipped by Tibetan Buddhists for over 350 years. But in March 1996 the Dalai Lama decided that it was

nonsense about 'evil' and 'fate'; we 'reach out' to the victims; we do anything but think. And because we refuse to think, we cannot begin to imagine why things are as they are, or how we might go about changing them, and so, ultimately, we deny ourselves the freedom to act.

Except, I hope, on the stage. In the empty performance space, anything is possible. Its only limits should be those of the imagination, which according to Blake, is infinite. Unlike so many other storytelling media, theatre doesn't work in soundbites. Theatre can provide a complex forum for open-ended discussion of complicated issues. And that is why I defend its right to exist, as a free art form.

Except the mob mentality doesn't want that. It prefers to react, and not to reason. It wants things clean, not complicated, prefers emotional touch-feely gibberish to rational discussion and chooses closed, and preferably happy endings over open-ended discourse. Any 'distasteful' voices are swiftly silenced.

The issue here isn't about the right to speak freely against a fear-fuelled and emotionally driven onslaught of 'good taste'; it isn't even about the right to see and hear alternative opinions. Ultimately, it's about the freedom to think for ourselves. The process has to start in our own heads. And it is thinking freely which people seem really afraid of.

No issue is ever really closed. But eyes can be closed, along with ears, mouths and minds. In writing my play, I asked people to open up not just their hearts but their heads, too. I didn't ask anybody to throw away their compassion; I just asked them to think.

How extremely tasteless of me. ●

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## Review

**'We've given up on the idea that we can transform the world. Now we only want to transcend it.'**

So says Robbie in Diane Dubois' new play *Myra and Me*. He is not a happy young man. His sister Jo is conducting research into the Moors murders, reawakening dark memories from his murky past. One of Jo's flatmates, Graham, is a would-be Damien Hirst, revelling in depictions of death and decay. Another of Jo's flatmates, Dooge, is an aspiring dj dealing drugs on the side. Robbie finds all of these people morally reprehensible, and the audience probably shares his view.

*Myra and Me* rises head and shoulders above the fashionable plethora of plays, films and novels that use gritty realism to deal with the immorality and futility of nineties life. Properly speaking, the play is more 'realistic' than any of these, because rather than making out that life is barren and futile it tries to understand why people interpret the world in this way and what such an outlook says about today's society. *Myra and Me* is not a play about Myra Hindley (as the critics glibly assumed) but a play about the iconography of Hindley: the way in which she has been elevated from a murderer to an icon of misanthropy through becoming the subject of morbid public fascination. Dubois' cleverest and best-observed creation is the character of Graham, whose designer nihilism is sadly reminiscent of much of Ghoul Britannia's current creative talent.

Sandy Starr



PHOTO: BILL AYTON

an 'evil spirit' and issued a government decree instructing people to stop worshipping it. A letter sent from his Private Office urged Buddhist monasteries to 'ensure total implementation of this decree by each and everyone...If there is anyone who continues to worship [Dorje Shugden], make a list of their names, house name, birth place...Keep the original and send us a copy of the list' (*New Internationalist*, August 1998).

China continues to rule Tibet; but the Dalai Lama's government-in-exile enjoys autonomy in its base in northern India. Thousands of Tibetan exiles in India pay taxes to the government-in-exile and observe its laws. This means that the Dalai Lama's decrees have a powerful impact and the ban on Dorje Shugden has affected thousands of worshippers.

The Indian human rights lawyer PK Dey has collected at least 300 statements from people who have been threatened or attacked for failing to comply with the Lama's decree. 'Those worshipping Shugden are experiencing tremendous harassment', says Dey. 'This is not in any particular part of the country but everywhere where there are Tibetans.' (*Now* magazine, Delhi, January 1998)

One 72-year old woman, Mrs Sonam Bhuti, whose family has worshipped Dorje Shugden for generations, told the Office of the Notary in Delhi how Tibetan officials ransacked homes in her neighbourhood in December 1996: 'They forcibly [sic] taken out the idols and the paintings [of Dorje Shugden] from their houses and burnt the painting and broke the idols, saying that if we found any such thing

in your houses in future the same thing would [happen] to you what has happened with the idols and the painting.'

On 18 April 1996 the Tibetan Department of Health wrote to doctors threatening to sack any who continued to worship Dorje Shugden: 'In case there is anyone who doesn't abide by the addresses of His Holiness to give up Shugden worship...such persons should submit their resignation.' On 19 May 1998 the Department of Religion and Culture advised welfare and settlement officers of the conditions under which Tibetan monks and nuns can leave the country. Condition number three requires 'attestation from their monastery that neither the host [nor the] invitee is a devotee of Dhogyal [derogatory name for Dorje Shugden]'. Tibetan ministers have even proposed amending the constitution to ensure that Shugden worshippers never become judges or serve on a jury.

The 10 most prominent Shugden worshippers have been named as 'enemies of the state' and 'Wanted' posters have been put up in Tibetan settlements giving their names and addresses. They, and others, have fled in fear. Around the time this was happening the Dalai Lama told *Mother Jones* magazine: 'If the situation was such that there was only one learned lama, a person whose death would cause the whole of Tibet to lose all hope of keeping its Buddhist way of life, then it is conceivable that in order to protect that one person it might be justified for one or 10 enemies to be eliminated.' (November/December 1997)

There is no outlet in Tibet or northern India for Shugden ⇒

↳ worshippers to protest about what is happening. The only independent newspaper in Tibetan exile society, *Democracy*, was forced to close in March 1996 after it criticised government-in-exile policy. As the journalist Jamyang Norbu noted in *Tibet News*: 'Not only is there no encouragement and support for a free Tibetan press, there is instead a near extinguishing of freedom of expression in Tibetan exile society.' (Autumn 1997) When Shugden worshippers appealed to the Dalai Lama to revoke his decree they were told by his government that 'concepts like democracy and freedom of religion are empty when it comes to the well-being of the Dalai Lama' (cited in *New Internationalist*, August 1998).

Perhaps it is not surprising that the Dalai Lama should be able to

suppress debate in Tibetan society. More disturbing is that the Western media has also been largely silent about this. It seems that for many the Dalai Lama is beyond reproach; as Hollywood's and the liberal media's favourite good guy he can do no wrong.

'It's not the politically correct thing to do, to criticise the Dalai Lama', says Dan Coote of the British branch of the Dorje Shugden Coalition. When Coote sent out press releases at the beginning of this year he was told by some journalists that 'they would not touch this story', because it was 'too critical' of the Buddhist leader. 'There seems to be a double standard', says Coote, 'where some freedoms are seen as worthy of support, while others are ignored'.

# DEFEND WHICH FREEDOM?

Mary Midgley wants us to get our liberties into an order of priority



**Why can't different freedoms settle down together and live happily ever after? Why do they have to keep on squabbling in a way that makes the search for freedom-as-such so difficult?**

It is well known that my freedom to swing my arms has to stop short of your face on account of your face's freedom not to have holes made in it. Well, we might manage to live with that. But again, my freedom to party all night gets across your freedom to sleep, and your freedom to drive ecstatically at 200mph on the motorway is liable to disturb my freedom to stay alive.

Yet again, the Jews' freedom to live in the land of their ancestors and rule it as they please gets across the freedom of resident Arabs to do that very same hallowed thing. And in Northern Ireland the Orangemen's freedom to celebrate their sacred traditions by marching through alien areas carrying banners painted with a load of traditional insults crashes into other people's freedom to breathe normal, insult-free air.

This last one is interesting because the people involved are so clearly mystified at being challenged. They make the libertarian defence with such astonished conviction. They ask, 'Are we to be silenced? Are we denied freedom of assembly? May we not express our opinions?'. This plea lights up one of the really awkward corners on the map of freedom.

When we think about cases like the Orangemen it turns out that, unluckily, actions can't be quite as free as speech and (worse still) there are some kinds of speech—such as insults—which really do amount to action. If we call noisy and offensive meetings on our neighbours' doorsteps when there are plenty of other places available we are not just practising free assembly. We are directly attacking them. Even if we don't then smash their windows—which of course we rather easily may—our offensive noises are infringing their freedom to live in peace. And most of us, after further thought, are liable to conclude that being free to live in peace is a more important freedom than freedom to get every ounce of hostility off one's chest, however satisfying that last freedom may be. Moreover, the simple freedom to follow bad tradition—to go on doing an odious thing just because you have done it before and have got into the habit of doing it—is actually not an important freedom at all.

This is all rather disturbing. After all, freedom to follow tradition is genuinely a kind of freedom, and people who are denied it may feel genuinely oppressed and frustrated. Yet we shall sometimes think they have got to put up with that because they are injuring other people.

Are there, then, class distinctions among freedoms? Are some of them privileged over others?

We would like to think not. Yet in fact when we call for freedom we always have in mind some particular context, some particular oppression or enslavement which is troubling us. And it is not at all easy at that time to work out what the next kind of trouble will be if we manage to get the current one removed.

For instance, pioneers of libertarian thinking, such as Mill, largely saw marriage as an intolerable restriction, an arbitrary barrier to natural human freedom which should simply be removed. Living in a society where marriage was almost unbreakable they were surrounded with examples of the misery it could cause—especially to women—so they saw this point as perfectly clear. Yet today, now that most people can escape from marriage, the advice columns of the papers are full of distressed complaints from people whose escape from it has landed them in some other servitude—servitude to the market, or to unsatisfactory partners, or to intolerable positions with regard to their children. A host of counsellors, therapists and mediators has been called into being to deal with these problems. But it doesn't look as if they are going to find any universal and triumphant solution to them.

Of course this doesn't show that it wasn't right to loosen the marriage laws. It was, and it is often right to loosen other restrictions. But this loosening has, unluckily, been part of a general fluidifying of our society—a huge increase in social mobility stemming from the industrial revolution which whisks people around like a vast food processor and sometimes makes it so hard for them to know where they are that they'll settle for anything that looks relatively solid. Nationalism in general, and particularly the increased influence of racist political parties in Europe, seems to be largely a reaction to this confusion—a misguided attempt to return to a condition where people think they know who they are.

In this jumble, it seems to me important to be discriminating among our freedoms—to get them into some kind of order of priority. We need to pick out the most important ones to shout for. And in order to do that, we need some kind of a mental map of freedom—an idea of the way in which different freedoms relate. There isn't only one kind of freedom any more than there is only one kind of happiness. There are a number, and we are free to take our pick among them—only doing so needs thought.

Perhaps, after all, freedom to do some thinking may be the most important one of all.

Mary Midgley is the author of *Beast and Man*, *The Ethical Primate* and *Utopias, Dolphins and Computers*, both published by Routledge

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# MANLY VIRTUES AND MASCULINE VICES

John MacInnes asks what's behind the 'crisis' of masculinity

There is only one complete unblushing male in America: a young, married, white, urban, northern, heterosexual, Protestant father of college education, fully employed, of good complexion, weight, height and recent record in sports.' (*Stigma*, Erving Goffman, 1963, p128)

What were once considered manly virtues have become masculine vices. Strength, courage, independence, heroism in combat, a 'stiff upper lip', sexual initiative—virtues which men used to claim legitimated their dominance of society because they looked after women—have become vices which demonstrate their unfitness for office: aggression, competitiveness, abuse, emotional inarticulacy, sexual obsession, childishness.

Sons attack fathers for being absent from their lives. Partners condemn their man's inability to tell her how he feels. A man touching his own child, let alone somebody else's, is more likely to be suspected of abuse than of being that elusive creature 'a new man'. Employers prefer the superior communication skills, expressiveness and empathy of women, to the obsolete drive, muscles and bloody-mindedness of men. The laddish hedonism of the *Loaded* generation—sex, drugs, rock'n'roll and football—is deprecated. Young men are directionless, losing out at every turn to their more assured, mature and qualified sisters. There are no positive male role models left. *Men Behaving Badly*, reassuring us that men are ultimately pathetic, is the definitive nineties sitcom. All this, we are regularly reminded, is the crisis of masculinity.

Two things are remarkable about this crisis of masculinity. The first is that, although people imagine it is new, it has been going on for a very long time. For a couple of centuries men have complained that modern society feminises them because it needs less physical toughness and aggression, and more talking and teamwork. The dubious truth of such arguments (the twentieth century has been the bloodiest of human history) has not stopped initiatives as diverse as the rise of organised sport (including the modern Olympics movement), the boy scouts and 'muscular' Christianity, all aimed at making boys 'manly' again. But what makes the present crisis different is that instead of modern society being condemned for feminising men it is now criticised for not feminising them enough. Men, and the masculinity they embrace, have become the problem rather than the solution.

The second feature is that while everybody seems to know exactly what they are talking about, masculinity itself seems impossible to pin down, as Erving Goffman's perceptive comment—from three decades ago—makes clear. People rarely discuss the men they know and almost never discuss themselves, as opposed to the men they now admit they once were. This is not surprising—as Goffman's comment suggests, no actually existing man could consistently embody masculinity! We are dealing with a stereotype—but one with great cultural resonance.

Not all boys are lost or lads, not all men are boorish abusers, and girl power is not ubiquitous. It would be wrong to dismiss the crisis of masculinity as so much media hot air, however, for it is superficial evidence of a more profound historical change. Today's boys can no longer assume the automatic gamut of privileges over women that their fathers and grandfathers took for granted. Modern industrial market-based societies have, quite unintentionally, fatally weakened men's dominance over women.

To be economically secure women no longer have to marry or cohabit with men, let alone a man chosen by their father. They can divorce and, albeit in poverty, raise children with the support of the state rather than a husband. Women still face discrimination in education and the labour market but it is possible for them to live independently. To varying degrees they can control their reproductive capacities. They can vote. They can expect some minimal protection by the state from male sexual violence. All this does not constitute sexual equality, but it does show that men's dominance is incompatible with the development of individual rights (such as the right to vote, to sell one's labour power, to choose who to live with or to have sex with), *to the extent that these rights are also enjoyed by women.*

Ironically, men themselves invented the concept of masculinity and the stereotypes which are now seen so negatively.

Three things are crucial to the development of modern societies. One is secularisation: the idea that people construct the societies they live in, rather than living out a destiny laid down by the laws of nature or God. Another is the idea of the free market, in which what is important is what is being bought and sold rather than who is doing the trading (including what sex they happen to be). A third is the idea of equal rights: that

your treatment before the law does not depend on your status or who you are.

Although these principles are honoured more in the breach than the observance, they have all had the effect of making it more difficult for men to claim a natural or divinely inspired superiority over women. Liberalism, which started out as a claim among men for equal rights, has been unable to resist the claim to equal rights for women. As Mary Astell put it over 250 years ago, 'If all Men are born Free, how is it that all Women are born Slaves?'. Another way of saying this is that capitalism made successful feminist struggle possible.

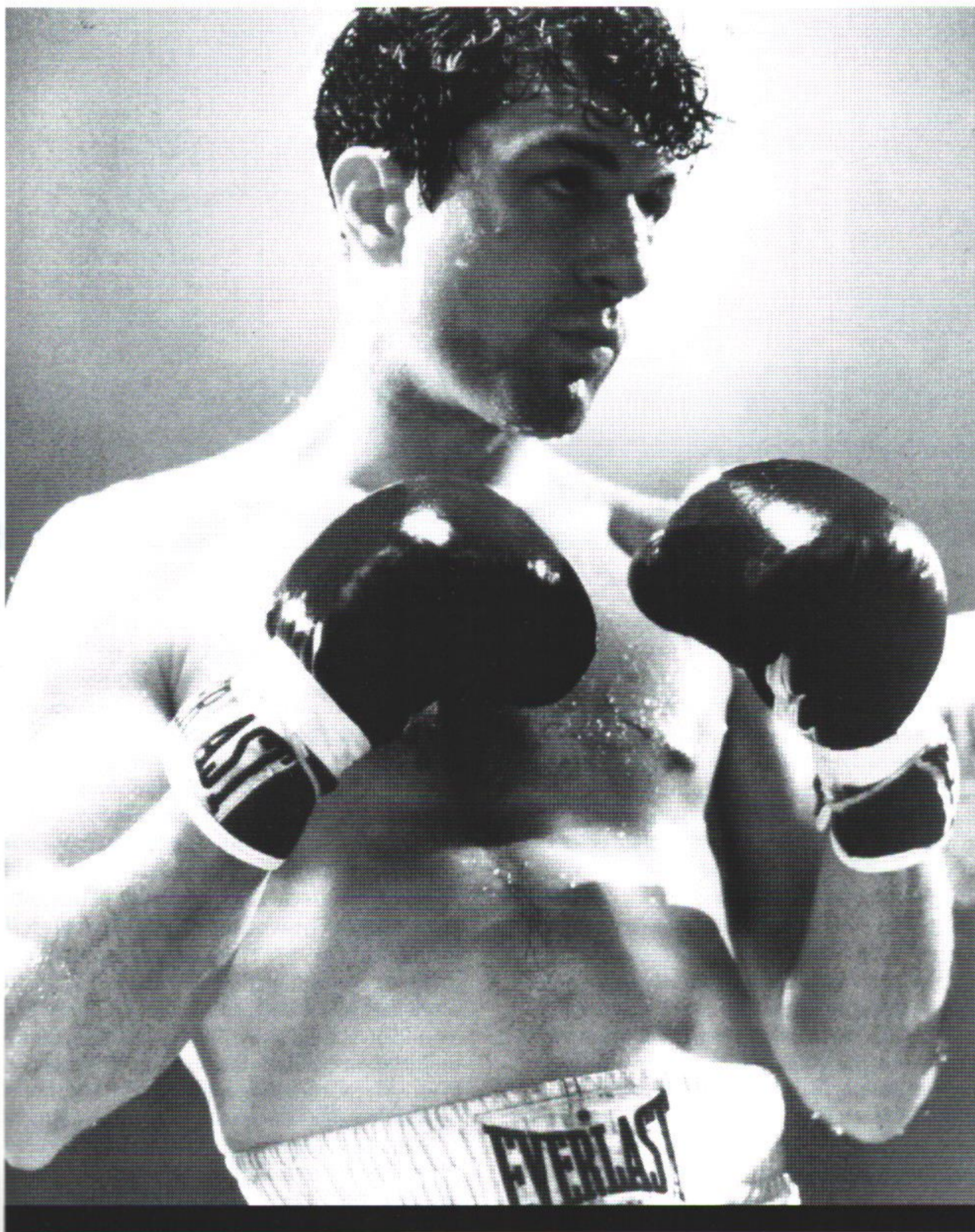
Because it became more difficult, and ultimately impossible for men to argue that they were naturally superior to women, they developed a new argument: although there were no natural differences that could account for men's power, there were social ones. Men ruled not because they were male but because they were masculine, and this masculinity was a social rather than natural thing: a product of the upbringing men received or the positions they found themselves in. The idea that masculinity existed made sense of a world in which men and women were supposedly formally equal but were in practice patently dramatically unequal.

Ever since, masculinity has been in crisis because men have been unable to show what it comprises (as opposed to producing stereotypes of what it *ought* to comprise) or what produces it, while feminists have made the obvious point that if masculinity is indeed something social then there is no reason why women cannot be just as masculine as men, or men be made to reform and change their gender.

Masculinity is not something any man actually possesses, any more than any woman has femininity written on her heart. It exists only as a set of ideas or stereotypes which we carry around to make sense of the different roles and places men and women occupy in society. The fact that these stereotypes have become so negative is simply evidence of the success of feminism: the cultural reflection of real, substantial material change. The assertion of sexual difference previously used to legitimate men's superiority is now used to attack it. The crisis of masculinity is only evidence of men's inability to stop progress towards greater equality between the sexes. In this sense it is a crisis we should welcome.

But it is also a crisis we should ignore. Instead of arguing the toss about masculinity





MASCULINITY IS NOT SOMETHING  
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we should be asking more practical questions about the equality of the sexes.

One blind alley is the search for either a 'true' or more 'progressive' masculinity. One of the greatest ironies of contemporary Western culture is that at a time when the sex of our bodies has less impact on our lives than ever before, we believe more fervently than ever that sex holds the secret of our identity. We are driven towards the conclusion that, aside from the immediate biological facts of sexual difference (facts which are very relevant to making babies and almost wholly irrelevant to everything else), men and women are the same. The crudest reactions to this are attempts to provide new 'scientific' evidence of sexual difference—for example, through the study of genetics or the analysis of patterns of brain activity—which are hardly different from the 'scientific' evidence produced a century ago that the smaller size of women's brains explained their lower place in society.

There is no gene, or brain pattern, which renders men incapable of ironing, shopping, changing nappies or articulating their emotions, just as there is none which stops women running governments or multinational corporations, flying fighter planes, abusing children or committing murder. It is social structures and processes which explain why women do more of the former and men do more of the latter, and it is just these structures which modern, market-based, democratic societies undermine in ways which are frequently barely visible.

We make increasingly desperate attempts to cling on to the idea of fundamental difference between men and women in an age that every day provides new proof of the myth of men's superiority to women. Similarly, although at first sight it seems progressive and feminist to assert the moral superiority of the feminine—arguing, for example, that women abjure power and competitiveness—in the end this merely inverts the old patriarchal assertion that such a fundamental difference exists, putting the women on top instead of the men.

Instead of chasing the mirage-like image of masculinity, it is surely better to take sexual equality to its logical conclusion and to stop allowing anybody to cite their sex as either a justification or an apology for what they do, especially when they argue that their 'gender identity' is the issue. ●

**John MacInnes** is the author of *The End of Masculinity: the confusion of sexual genesis and sexual difference in modern society*, published by Open University Press

# 'CAPITALISM ISN'T C



## Phil Mullan puts George Soros right on the prospects facing the world economy

I am very concerned', says famed international financier George Soros, 'because it will lead basically to the breakdown of the global capitalist system'. 'Global capitalism', writes Robert Samuelson in *Newsweek*, 'whose triumph once seemed inevitable, is now in full retreat, perhaps for many years'. World leaders like Bill Clinton and Tony Blair, who used to extol the merits of globalisation with the chorus 'you can't buck the markets', are unashamedly discussing the need for imposing tough controls and regulation. Karl Marx is even coming back into fashion among serious commentators, as a seer of capitalist doom.

So is it time to worry about a global crash? The answer is no. There is certainly a lot of instability about, with currencies diving, weak governments threatening to default on debts, major stock markets yo-yoing, and speculative investors—along with the banks who lent to them—getting their fingers badly burnt. But all this turmoil should be kept in perspective.

There is in fact not one, but two world economies. The first is a financial one of capital and credit flows, exchange rates, and lots of bits of paper (or on-screen data) with fancy names and fancier prices. The second is a real world economy where goods and services are produced and traded. Over the past 30 years the financial economy has spurred ahead of its real counterpart.

Or, to get the direction of causation right, the way that the real economy has lagged since the early 1970s has meant that a lot of money which cannot find a profitable home there has gone into the financial economy instead. The result has been to inflate prices of shares and other financial assets. From time to time—as with the 1987 stock market crash—the financial economy gets over-extended, and what the money men call a 'correction' brings the financial economy closer back into line with the real economy.

This is what is happening at the moment. Today the immediate problems, from east Asia to Russia, from Latin America to Western stock markets, are in the financial sphere. The financial economy is contracting, and that will cause problems for the real economy. But this is neither symptomatic of, nor will it be a cause of, a real economic collapse.

It is wrong to assume, as the globalists do, that the world economy is now homogenous and that the 'contagion' of crisis will spread like wildfire from the east. Over the past 15 years the international character of capitalism has certainly come to the fore, with the expansion of foreign trade in goods and services and of cross-border capital flows. The main effect of this, however, has been to reinforce the unevenness and inequality between different parts of the world economy.

When it comes to understanding developments in the real world economy

it is still the case that some countries matter and others are pretty insignificant. The key economic actors over the past two decades have been Japan and the USA (and to a lesser extent Germany), as befits their positions as the world's largest economies. The tail does not wag the dog. What happens in Thailand, Malaysia or Russia, or even Canada, does not determine the real fortunes of US capitalism in any decisive way. Things are different in the more fanciful world of the financial economy, where such ephemeral factors as 'confidence' hold sway. This is why the Asian financial problems could so easily unsettle the Western stock markets, and create the impression of a fast-spreading contagion.

In reality, however, problems in one part of the world will not spread inexorably to engulf the entire globe. Of course every economy operates as part of the world market, but they all remain national economies with specific strengths and weaknesses. America, which still accounts for over one quarter of world output, may never have been as strong as the 'new economy' theorists have claimed in recent years. But more importantly it is nowhere near as fragile as the global pessimists now assume, and there is no way it is about to be knocked out by what happens to relative economic lightweights such as a Malaysia or a Russia.

The panic about an impending economic crash tells us more about the state of mind of the world's economic elites than it does about

# COLLAPSING' SHOCK



PHOTOS: DAVID COWLARD

the state of the real economy. This is not to belittle the impact of panic. Fear tends to be self-fulfilling in the world of finance—if everybody thinks prices will fall then the market makers will probably mark down those prices. But there is a bigger problem than this with today's gloomy mood.

The exaggerated sense of crisis is encouraging the view that capitalism's problems come from excess, from growing too fast, and that it needs to be reined back. With governments everywhere announcing action plans involving some extension of regulation, control and containment, today's instinct for restraint in business and finance can only be reinforced.

The real danger in the major economies is that the hype about a global crisis will strengthen the impulse of business and political leaders to downplay capitalism's potential for growth. The mentality which both inflates the difficulties and then reacts by saying 'hold back' is a bigger threat to economic and social progress than either the possibility of a traditional economic crisis in the West, or the fall-out from the financial disarray.

This distinctive problem of our times throws up an irony of Marx's recent rehabilitation. When Marx developed his theory that the capitalist economy tends to crisis he was identifying systemic features, which necessarily held back the universalising, expansive possibilities of capitalism. He was criticising too the market's apologists who saw capitalism as the 'best of all possible worlds'. Today, however, capitalism's

spokespeople invoke Marx to talk down the prospects of capitalist growth. They seem to have lost faith in their own free market system, and that can become debilitating in itself. The actions and policies that follow tend to stymie the potential for expansion. Just as the fear of financial crisis can be self-fulfilling, so this mindset is self-fulfilling in restraining growth.

The impact of the loss of nerve at the top of capitalist society can best be seen in the world's largest economy—the USA.

American business has wasted genuine opportunities to move the US and world economies forward—not least the advantage of huge Japanese investment in the eighties. The negative assumptions these days about economic growth have inculcated a culture of restraint. While most critical attention has focused on an overvalued Wall Street, the real problem holding back the US economy is the instinct in business that over-production is the biggest danger. The ubiquitous sense of business 'uncertainty' spawns an aversion to risk and a cautious attitude to major investments. As a result, potentially vast economic gains from applying new technologies are being squandered. Genuine breakthroughs in technological innovation, especially in the spheres of information technology and genetic engineering, are being applied in only sporadic and limited ways.

The US economy has become a leading example of what could be called 'restrained depression'. This is not the sort of absolute economic contraction experienced in the

1930s, but rather a failure to realise economic possibilities. The short-term upside is that, because growth in the real US economy has been relatively weak for so long, the danger of a sharp recession in production is non-existent. What does not go up very far will not come down too hard.

Of course, the business cycle exists, but it is tending to take a more flattened-out form. An economic slowdown was on the cards for the next couple of years, regardless of the financial problems in east Asia, Russia or Latin America. On the basis of economic fundamentals this slowdown should be much less acute than the recessions of the 1970s, 1980s and early 1990s. In the immediate term this seems a more favourable state of affairs: the much-feared collapse is not coming. But the longer-term consequences of restrained capitalism are equally wasteful, and can be even more harmful for social progress.

The real danger of the current situation is that it will reinforce the outlook of caution and self-restraint across the capitalist world, both domestically and internationally. The calls for greater international financial regulation may not lead to many effective practical measures, but they will strengthen the short-termist mentality that already eschews economic possibilities. In the longer term this outlook can only serve to frustrate the development of the economic and human potential. There is no cause for those of us who have criticised capitalism to crow about the current mess; the loss of nerve at the top could mean lost opportunities for us all. ●

# FUTURES

Dr Stuart Derbyshire would rather researchers spent more of their time experimenting on animals, and wasted less time apologising for it

## What's wrong with animal research?

According to Home Office figures the number of animals used in British research laboratories fell by three per cent last year, consistent with a downward trend beginning in 1970 ('Statistics of scientific procedures on living animals', 1997). But even this decrease did not prevent animal rights activists from going on the offensive about animal experiments.

Over the years organisations such as the Animal Liberation Front, People for the Ethical Treatment of Animals, the Fund for the Replacement of Animals in Medical Experiments and the British Union for the Abolition of Vivisection have proliferated and their influence has grown. 'Medical progress is being threatened by the extreme tactics of those who are seeking to abolish animal research. They don't want better laboratory cages, they want empty laboratory cages', argues Andrew Blake, director of the group Seriously Ill for Medical Research (SIMR). This is true, and it could have drastic consequences for the future of scientific and medical research.

However sorry you might feel for animals in cages, the fact is that without past animal experiments virtually all the medical advances we take for granted would be unheard of, or would have been introduced at great human cost. Transplant procedures, insulin treatment, anaesthetics, vaccines, antibiotics, bypass operations, psychotropic and asthma drugs, and even life-support systems for premature babies, are all included in this category. Nor would our knowledge of blood circulation, the function of the lungs, antibodies, vitamins, nerve impulses and tumour viruses exist if it were not for experiments on animals.

Animals are needed for new developments in medical science. Research at the Karolinska Institute in Stockholm has demonstrated that small gaps in the spinal cord of rats can be bridged with nerve grafts resulting in partial restoration of movement. This research brings hope to the many thousands of paraplegics, like Christopher Reeve, who might yet be able to walk again. This year in America researchers demonstrated that cancer tumours in white mice could be sent into full remission by suspending the tumour's blood

supply. As this research moves on to the higher primates and then to human clinical trials, we can hope for an eventual cure for cancer. Less dramatic steps in curing disease and illness occur every day in animal laboratories all over the world: consider antifungal drugs, HIV vaccines and gene therapy for such things as muscular dystrophy and cystic fibrosis. All these developments, and countless others, depend on animal models that are ongoing and will be further developed in the future.

It is worrying that this work, which could literally change the future for millions of people, is at risk from an increasingly confident and successful anti-experimentation lobby. And one measure of the PR success of animal rights organisations is precisely that we do not hear enough about the medical benefits of animal experiments.

The more tangible consequences of the impact of animal rights arguments on research are the regulatory hoops and hurdles that any researcher proposing an animal experiment now has to overcome. In the UK the researcher needs a licence from the Home Office and any experiment must undergo ethical assessment. Invariably the ethics committee will insist on considerable justifications for any procedures that involve distressing the animal, and will press for the use of an animal further down the phylogenetic tree (such as replacing a primate with a rat).

In America there is no specific law requiring ethical assessment of proposed animal experiments, but in practice one is always required. Virtually all universities have their own Institutional Animal Care and Use Committees which voluntarily carry out the roles of the Home Office and ethics committees combined. It often takes months to get a study approved. Vast quantities of documents must be submitted, resubmitted and resubmitted again, with no guarantee of success. Ostensibly the committees are impartial, but in practice they discourage and demoralise the would-be animal researcher—no effort is ever made to encourage more animal research or the use of higher species, excepting, of course, humans. Little wonder that many researchers have decided it is not worth the burden.

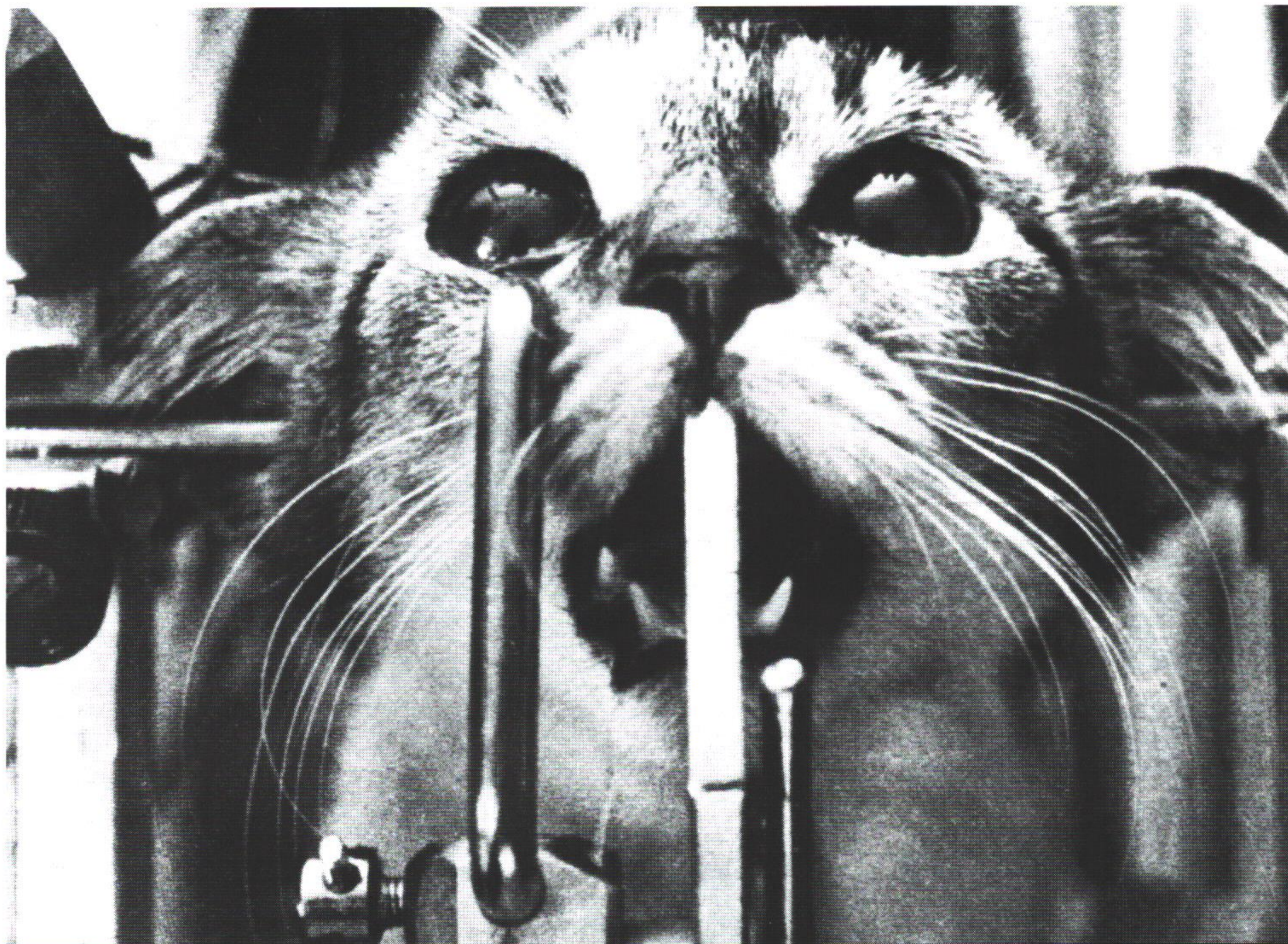
Why has the scientific community not been more vociferous in its opposition to the

new methods of regulating animal experiments? I welcome the fact that prominent scientists like Stephen Hawking, and organisations such as SIMR, the Research Defence Society and the American Foundation for Biomedical Research, have responded to the propaganda of the animal rights activists. But unfortunately they have too often tended to do so in a defensive, at times even apologetic, manner. Rather than try to win the argument for why it is unproblematic to use animals in research, the scientific community has tried to meet the protestors half way; endorsing existing legislation limiting animal research, addressing their concerns over animal welfare, and promising further reductions in animal experiments.

For example, Andrew Blake of SIMR is keen to emphasise that he supports 'high standards of welfare for animals in laboratories'. In many ways this is common sense: anybody conducting science knows that mistreating the animals would waste time and possibly ruin the experiment by introducing unnecessary confounding factors. As a scientific judgement this is fine: but if its motivation is the welfare of animals per se, problems arise.

Professor Colin Blakemore, a researcher who has been targeted by animal rights activists, was recently moved to suggest that 'in some cases, the potential suffering [of animals] may have increased to the point where it may be unacceptable. It is almost like saying, "would it ever be justifiable to kill people if the benefit was a guaranteed cure for cancer?"'. Focusing on the suffering of animals in this way stretches credibility and beggars belief. Giving animals AIDS and other diseases, carrying out experimental surgical procedures and infusing untested drugs is clearly antithetical to the animals' welfare. Mistreating animals is unacceptable because it ruins experiments; but this is a very different matter from positively protecting their 'well being'.

The results of the accommodation of medical research to the ideas of animal welfare are now becoming clear, through the application of the so-called three Rs: refinement, reduction and replacement. In short, refinement refers to a modification of the procedure so as to minimise distress caused to the animal.



Faced with emotive pictures like this from the animal rights lobby, scientists must put the case for medical progress over animal welfare

PHOTO: BUAV

Reduction covers any strategy that will result in fewer animals being used or in maximising the information obtained per animal used. Replacement can mean either using an alternative (such as tissue cultures or computer models) or using an animal further down the phylogenetic tree. The reduction of animal experiments is now the official policy of both governments and institutions that support animal research.

At first blush the three Rs appear reasonable. All animal experimenters want to reduce the amount of stress an animal is subjected to (refinement) so as not to hinder discovery—a stressed animal will be less likely to behave or respond normally. Equally, researchers will naturally tend to use fewer or less costly animals or techniques (reduction and replacement) so as to get quicker results from limited funds. But the three Rs were not developed from the perspective of good scientific practice; they were developed from the

perspective of animal welfare. This makes the three Rs disastrous, reinforcing a lowlife opinion of animal researchers and encouraging the notion that animal experiments are problematic. Once the 'perspective' of the animal is adopted, it is inevitable that all experimentation will be seen negatively. No animal experiments are in the interests of the animal.

The three Rs may also be dangerous. Using the animal of choice will often be the best research tool. And adopting the three Rs means that animal experiments are never likely to be extended or expanded, even though medical prudence may sometimes suggest that they ought to be. Thalidomide, for example, was tested only on non-pregnant animals before being given to pregnant women; it should have been tested on pregnant animals. After the disastrous results came to light, tests on several laboratory animal species showed the same effects on the animal fetus as

had already been tragically observed in humans.

Animal researchers and their advocates cannot have it both ways. Professed concern for the welfare of laboratory animals is simply inconsistent with the reality of laboratory experiments that almost invariably result in distress and death for the animal. Medical research is not concerned with the welfare of animals and nor should it be: its aim is to get answers about diseases and problems that afflict humanity.

In this context, defending the welfare of animals means placing the life of a mouse, rat, cat, dog, monkey or whatever above that of the seriously ill. If even scientists are unable to reject that insulting idea with confidence, we can expect far less from medical research in the future. ●

**Dr Stuart Derbyshire** is an assistant professor in the Faculty of Medicine at the University of California in Los Angeles

a [t] . c [u] [L] t [u] r [e] . debate

# DESIGN FOR LIFE?

Design is now at the centre of the debate about the 'rebranding' of New Britain's identity. So do designers have a responsibility to bring their ethics to the drawing board?

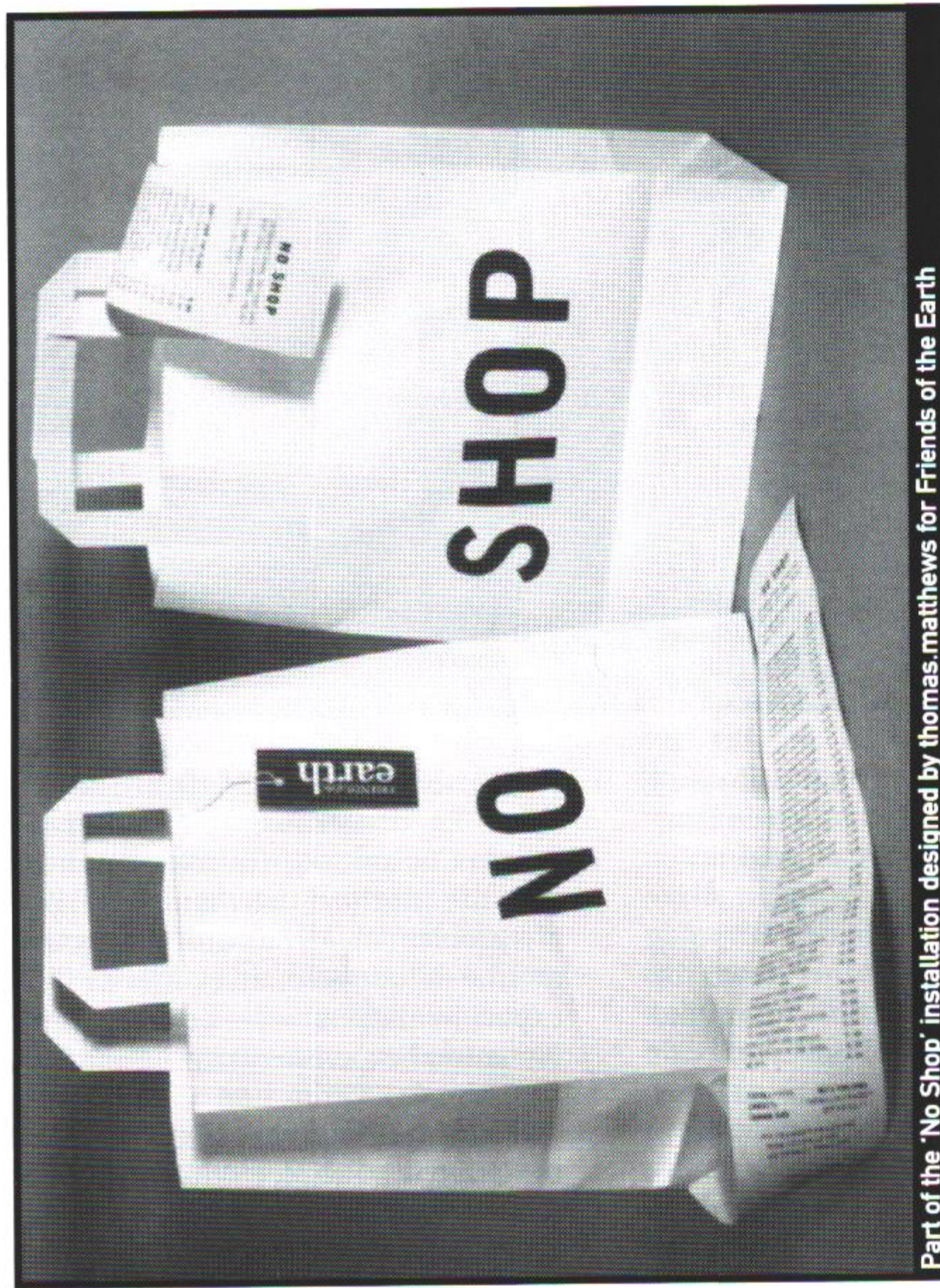
## Signs of the times

'It is nice to see so many people sucking Hooch rather than their false teeth. Usually when I address people we have to exhume someone'

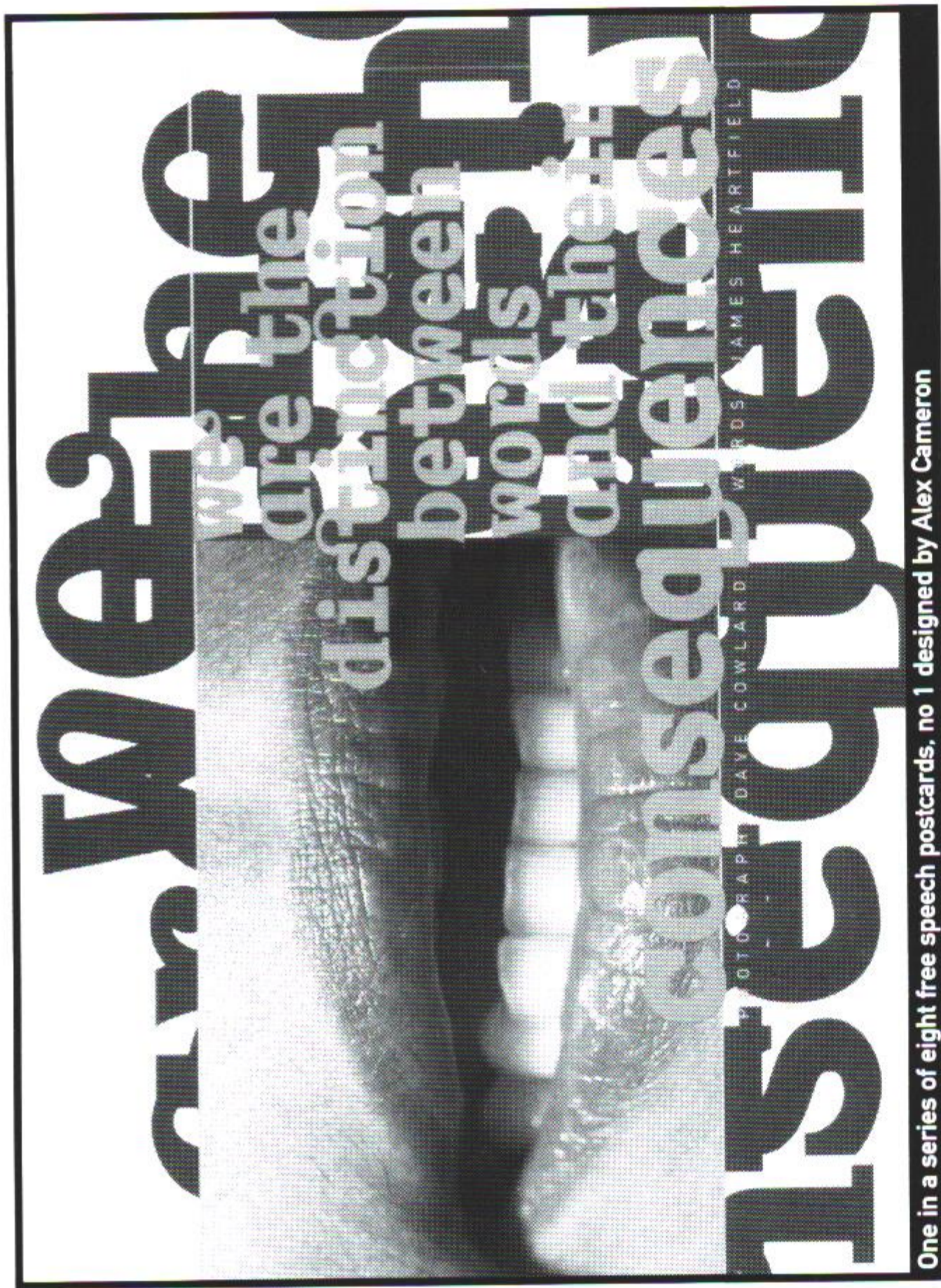
Dr Liam Fox, addressing the new Conservative Future organisation

Labour MPs' bleepers are reported to have gone off en masse through Jack Straw's conference speech, delivering the message: 'Pls stand and call "More" at the end of Jack's speech'

Newsreader Martyn Lewis, the famous exponent of 'good news', has emerged as a surprise critic of the *News at Ten* 'And finally...' slot. No need to worry, though; his objection



Part of the 'No Shop' installation designed by thomas.matthews for Friends of the Earth



One in a series of eight free speech postcards, no 1 designed by Alex Cameron

SOPHIE THOMAS is part of the thomas.matthews partnership

**YES** Designing in an ethical way can be a daunting task. People now want to define themselves through design. Graphic design has become a vital element in the marketing of new lifestyles, giving an aura of desire and

us fall into disrepair? Will our environment become a polluted land of adverts and subliminal messages built into the city on stairs and walls, while we perform as human billboards conned into brand naming? The designer is an active agent in all this.

ALEX CAMERON organised the New Design conference at the Institute of Contemporary Arts

**NO** Entertained at Number 10 and consulted about 'rebranding Britain', designers are at last receiving the recognition they deserve. Perhaps it has all gone to our heads. It certainly seems that some designers now have an exaggerated

another billboard showing a woolly cardigan being taken out of the tumble drier, captioned with the 'appliance of science' slogan. The juxtaposition of ethics and nostalgia makes me wonder whether both might be rooted in the same fear of the future.

is entirely consistent. 'I'm against it', he explains, 'because by running one "good news" story at the end of their show, they have a perfect excuse for the rest of their news agenda containing the kind of salacity and doom and gloom I really don't like'

'I hadn't cried since my dad whacked me, so I'd forgotten how to. I was cold and unemotional' SAS man-turned-author Chris Ryan

'Public media should not contain explicit or implied descriptions of sex acts. Our society should be purged of the perverts who provide the media with

pornographic material while pretending it has some redeeming social value under the public's "right to know"

Kenneth Starr (1987)

'I put some emotion into the game. On the rink I might run after the wood and shout and swear sometimes. I also like to have a laugh. The game has got to change, this is the 1990s and bowls is a young person's sport now. A 10-year ban is ludicrous'

Griff Saunders comments on his punishment from the Devon County Bowls Association, for swearing, spitting and writing 'John Smerdon [tournament referee] is a tosser' on a scorecard

necessity to the objects that it packages. Design is being simultaneously promoted and stifled by the consumerism it so profitably serves.

Do designers care? Can they afford to argue themselves out of a career? It could be argued that ethical standards are all very well only if you can afford to turn down clients who use child labour or cut down rainforests.

Do designers have a role to educate? No designer is an island. We cannot insulate ourselves from the social and environmental impact of the products and services we promote. Designers should at least acknowledge the visual and persuasive power which we hold.

Design has become a fashion-driven subject which slips easily into promoting negative lifestyles. We are being bombarded with thousands of advertising messages a day, breaking down our ability to filter and resist. They invite us to identify with the objects of desire and the cults of consumption. Every one of our senses will soon be exposed to branding and persuasion.

Will we become so absorbed in the 'brand-escape' that we let the real public space around

Whether your design is 'ethical' or whether it does anything to inform, educate or offer any social or political alternative to the consumer—these are the uncomfortable questions which must at least be asked. Taking responsibility is not just about specifying recycled paper for a print job. It can mean accepting that we can hold somebody's attention through the power of our media—a great opportunity to pose questions and inspire 'idea-formation'. Design does not have to have an absolute aim but could make the viewer reflect.

It is important for designers to have an idea of the whole lifecycle of the work, taking into account the environmental as well as the social impact. Your message may be sound but is the method of production? The ideal is to give the best design answer that fulfils the brief in the soundest way. Designers should not necessarily sit back and be told what to design. It may be necessary to challenge the brief, or even to turn down a project on ethical grounds. Designers should take responsibility for the work they produce, the way they produce it and the impact it has on the lives of their audience.

idea of their significance, especially when they exhort the rest of us to take care lest the public is bamboozled by the secret powers of our profession. This overweening arrogance not only overestimates the power of design, but also underestimates the faculties of all those who consume our work.

At any gathering of designers you will hear talk about the need to 'take responsibility' for the messages with which consumers are being bombarded. It reminds me of the pleas for filmmakers to 'take responsibility' for the effects of their movies on an unwitting audience. In both instances the insistence that the professionals should take responsibility is another way of saying that the people in the audience are incapable of doing so. Not only do people believe what they see in the movies, apparently they are so gullible they also believe what they are told in the adverts.

Ethical rectitude is now so much a part of the design profession that some practitioners are building it into their campaigns. For example, recent roadside advertising for Zanussi comes in two parts: an image of an atomic blast captioned 'the misappliance of science', and

I would not mind so much if ethical designers were really thinking for themselves about moral questions. But their hitlist of undesirable themes and inappropriate products betrays an uncritical acceptance of what have become the new taboos—smoking, men, genetic engineering, animal experimentation, to name but a few. Why not take responsibility for thinking afresh rather than simply conforming to contemporary prejudice?

We are just the mediators between the client and the consumer. Whether the client is the government, a charity or a tobacco company is of no concern to us as professionals. They are responsible for producing ideas and commodities, just as consumers are responsible for deciding whether to buy them. We do not need to concern ourselves about the merits of a particular product any more than a defence lawyer need worry about whether a client is in fact guilty.

Believe it or not we are not the creators of national and personal identities. Britain will not be remade just because it has been rebranded. We should stop believing our own publicity and recognise that, when we are successful, it is because we have managed to package the fears—and aspirations—which others already have. ●

## alt.culture.speed

# THE NOT-SO-FAST SHOW

launched in association with another exhibition at the Photographers' Gallery and accompanied by a glossy book, the *Speed* exhibition at London's Whitechapel Gallery pulls together artworks which reflect the revolutions in transport, media, communications or politics, as part of one revolution, the Speed Revolution.

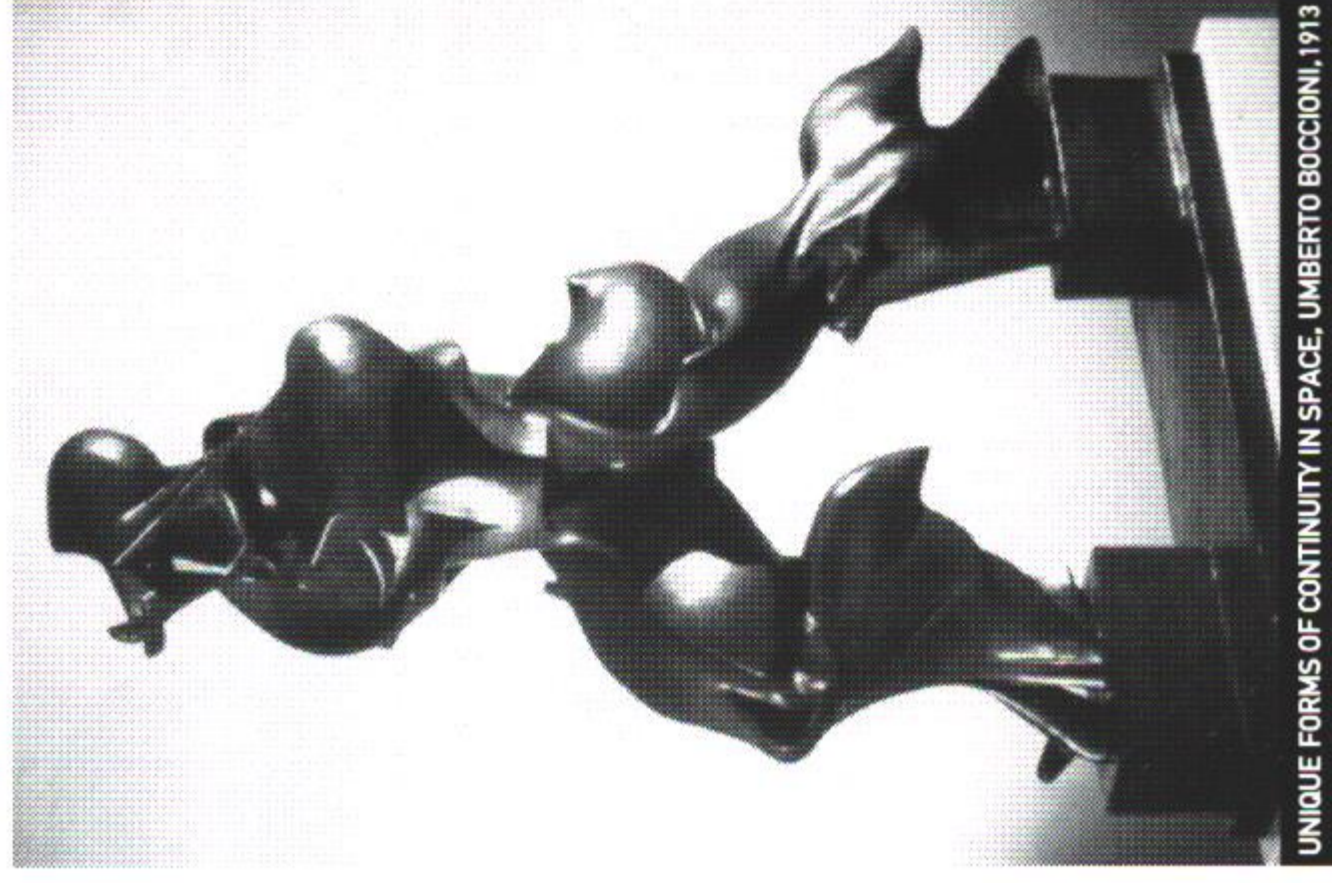
Well, I am a speed freak and I could not see much sense in this. Why is Marcel Breuer's design watershed, the Wassily chair (the first in tubular steel), in the same exhibition as a John Minton's painting 'The death of James Dean' (which should not be in any exhibition)? What is Marcel Duchamp's 'In advance of a broken arm' (a snow shovel) doing here? The blurb says that because it was ready-made an acceleration of production has been introduced to art. That is pushing it—I don't think Duchamp was trying to knock off early. Also showing is Warhol's film *Empire*, eight hours and five minutes of an almost static view of the Empire State building. It takes much longer to watch than it took to make because the camera was run fast. The blurb says this makes the film a poetic reminder that speed can be slow as well as quick, but that too is pushing it. Warhol probably was just trying to finish early and get home to his beloved TV.

The show's handout states that 'speed' does not necessarily mean 'fast' and declares an intention to 'challenge this assumption and to consider different rates of movement and change, from the accelerated visions of the machine age to the slower shifts of natural process'. So all speeds are equally valid. All except high speeds, apparently. The curators say that the exhibition 'was meant to encourage slowness': they are worried that the ubiquity of high speed means we no longer see where we are going.

My own experience tells me that high speed makes you look ahead. On a motorbike at 150mph your eyes are glued to the vanishing point of the road. At mach 2 on Concorde, you can sip a gin and tonic and map out your day. And when you arrive, there is more time to see the sights. High speeds expand the amount of time available to us, which in turn makes for an extended range of vision, whereas low speed really is synonymous with wearing blinkers. Just think of the levels of religious bigotry in peasant communities and ask yourself whether you want a slower pace of life. ●

SEAN BURNS

*Speed* is at the Whitechapel Gallery, London E1 until 22 November



UNIQUE FORMS OF CONTINUITY IN SPACE. UMBERTO BOCCIONI, 1913

# altitude . speed

continued from page 39



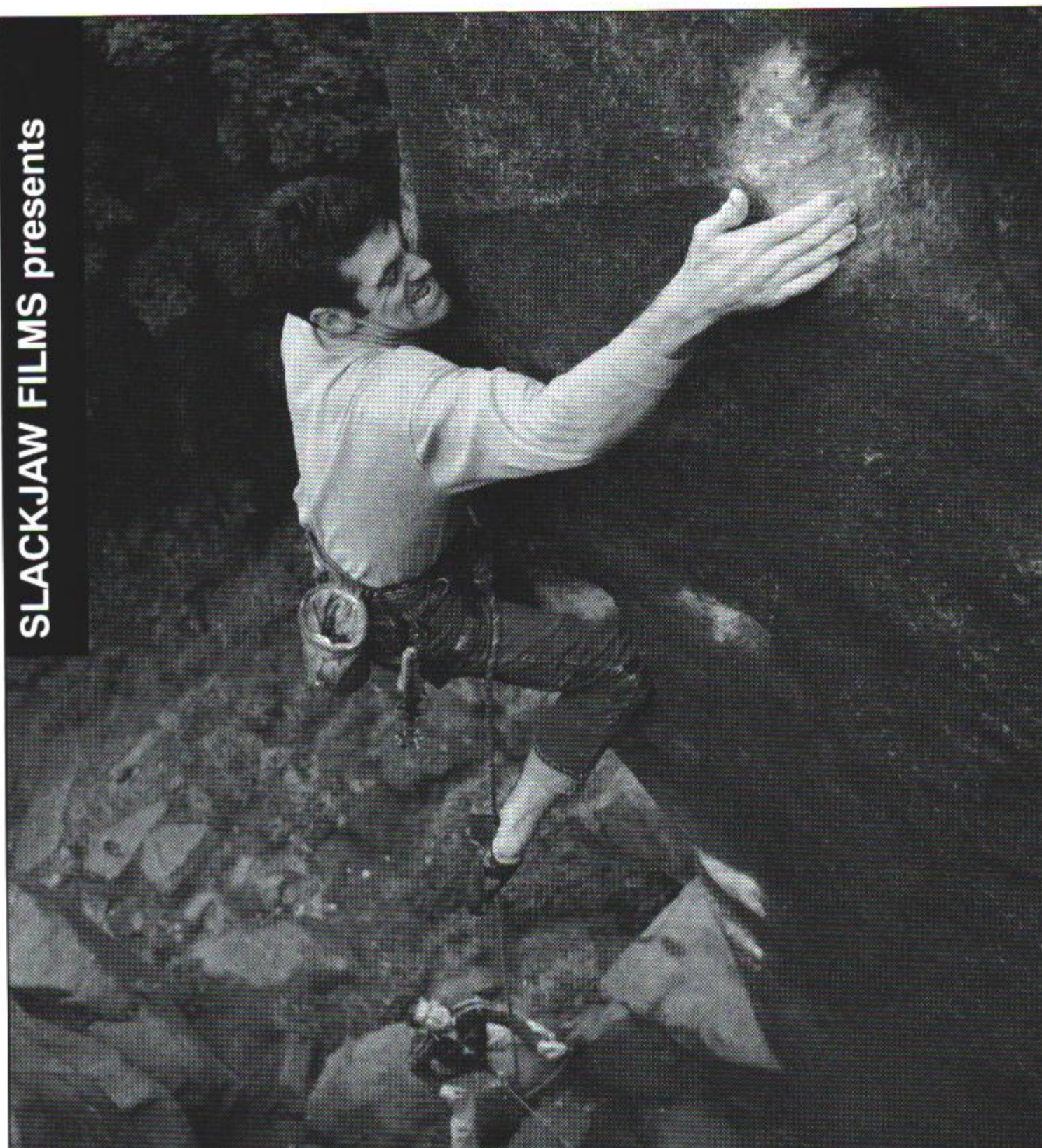
# SPEED KILLERS

**A**s a student I rode motorbikes. A car was transport, but a bike was excitement. Heightened by youthful hormones, my incarnation as a biker was frustrated by an equally youthful lack of money. Then last year I discovered that I could afford to become a 'born-again biker'. But now I find I am all powered-up with no place to go.

Northumbria police have moved in on the bikers who traditionally gathered to show off their machines in the remote rural roads near Helmsley, north Yorkshire. CCTV-equipped police bikes continue to patrol the area. Why the crackdown? After all, over the past 12 years motorcycling fatalities have fallen by 60 per cent, despite the fact that registrations have soared. While I was away from the biking scene a bewildering array of new legislation has been introduced—speed and noise limits, helmet law, and measures to prevent customisation. To an old timer like myself it seems that the moral panics of yesteryear (Mods and Rockers, for example) have been replaced by new-style panics over safety: and as a grown-up family man on a Yamaha XS650B, I get treated more like a child than I did as a reckless teenager on a Honda.

DAVE O'TOOLE

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# Viagra

## and the staff of life



Like GPs everywhere I have had to deal with numerous enquiries about Viagra, the new wonder drug for what we used to call impotence, but now every schoolboy knows as 'erectile dysfunction'. By contrast with the popular image of lusty swingers demanding enhanced 'recreational' sex, all but one of the men requesting Viagra in my surgery was over 60 and most were over 70. The younger man had become impotent as a result of a surgical procedure that went badly wrong. Most of these men have significant medical problems—diabetes, high blood pressure, coronary heart disease.

I have long been impressed at the commitment of many of my older patients to continuing sexual activity. Much of the public debate—and all the rather childish jokes—expresses the familiar disgust of adolescents at the discovery that their parents are still having sex. Yet whereas in films and on television the only people who have sex are young and nubile, in the real world people of all ages, shapes and sizes, and people with all sorts of disabilities, have active and fulfilling sex lives. The high level of demand for established treatments for impotence—involving injections into the penis, implants or vacuum devices—which are often painful, uncomfortable and unsatisfactory, indicates what men are ready to endure to sustain some sort of sexual performance.

There is something very positive and life affirming about the sexual impulse. The word intercourse implies both an intimate and a social experience. The quest for Viagra, in my patients at least, expresses an admirable determination to achieve pleasure and an equally admirable aspiration to give pleasure.

There is also a sort of cosmic justice in the fact that people who do not seem to conform in a single particular to conventional stereotypes of sexual attractiveness can not only find a mate, but enjoy a high level of sexual fulfilment with them. Furthermore, though people's sexual activity is governed by a range of social codes and

influenced by market forces, there is still a private sphere in which sex can be enjoyed with considerable freedom from outside interference.

In a society that seems increasingly to regard masculinity as a pathological condition, it is not surprising that a drug which claims to enhance it—at least where it is impaired—has provoked a hostile reaction. Announcing his decision to ban Viagra from prescription on the NHS, health secretary Frank Dobson raised the spectre of 'people waving their potency at a disco'. Given the age of my patients requesting Viagra this seems an unlikely scenario, though one is an accomplished ballroom dancer. In Dobson's febrile imagination the image of the priapic male links the elderly man taking Viagra to the youth/yob culture which seems to strike terror into the heart of the New Labour government.

Agony aunt Clare Rayner has characterised protests at the ban on Viagra as 'childish howls of frustration from a menacing mob of elderly but immature blokes who want to recapture an illusory lost youth'. This is not just nonsense, but offensive too. My patients just want to have sex with somebody. What is childish or immature about that? And what is menacing about an elderly man who wants to restore his declining potency? It is difficult to imagine any context in which Rayner might be confronted by a mob of frustrated old men howling and demanding Viagra, though she clearly has a rich fantasy life.

It is striking that in a society saturated with sexual imagery, the erect penis is still the ultimate pornographic image, just as penetrative sex, its natural function, seems to be widely regarded as a mode of violation rather than a source of mutual satisfaction. Whereas in some cultures the male erection is celebrated as the staff of life, in our culture its connotations of impulsiveness and creativity, and its symbolic associations with being assertive and taking risks, are regarded in a generally negative light.

The prevailing animosity towards Viagra has not, however, stopped politicians and doctors from using it to advance their own agendas. Ministers and senior NHS administrators emphasise the exemplary value of the government's first ban on a drug which is widely acknowledged to be safe and effective, in bringing the issue of rationing health service spending to the centre of public attention. Banning Viagra opens the way to banning more treatments, in a transparent and open way, of course. Some doctors claim a privileged position in the rationing process as the only people with the requisite skill to diagnose erectile dysfunction. I reckon my patients are better judges of whether or not they can get it up.

I would recommend a more radical approach: the deregulation of the pharmaceutical industry and the de-medicalisation of sex. Viagra has exposed the way that a network of restrictive practices and monopolistic arrangements enables drug companies to make vast profits at the public expense. Why not give free rein to market forces and watch the price of Viagra—and many other drugs—fall? Instead of allowing doctors to dictate who should have Viagra, let the customer decide whether or not they need it, and let them buy it over the counter—together with contraceptives, post-menopausal hormone replacement, treatments for obesity and depression, blushing and other non-medical problems.

Inspired by the gloomy conviction that a drug that enhances sexual performance must be too good to be true, commentators have leapt with glee upon early reports of fatalities attributed to Viagra in the USA, and other side-effects, notably retinal damage (provoking yet more naff jokes). When I told one of my patients that, even if Viagra was available he would not be able to take it together with his treatment for angina, he immediately took the bottle out of his pocket and threw it with a flourish in the bin. 'It might kill me', he said, 'but what a way to go!'.

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# READING

## BETWEEN THE LINES

ALEX STANDISH prefers the football to the footballer's sermon

### BORING, BORING ADAMS

IN THIS AUTOBIOGRAPHY TONY ADAMS SUGGESTS that his life has been shaped by two addictions: football and alcohol. Adams made his debut for Arsenal at just 17 in 1983, winning the league championship at 22 and being capped for England at 21. Then in the 1990s things started to go wrong. His marriage was breaking up, he was drinking before matches to calm himself down, he spent two months in prison for drunken driving. After hitting rock bottom following Euro '96, Adams joined Alcoholics Anonymous, learned to play the piano and speak French, and pronounced himself a reformed character, like his new chum Paul Merson.

It is an insult to Adams' football to describe his determination to succeed in the game as an addiction, an insult that is not mitigated by the fact that Adams is insulting himself. To be addicted to something implies that it has power over you, but it was Adams who made it all happen. The way he battled into professional football, despite his limited natural talents, is something I wish I could have done. He was the youngest player ever to captain Arsenal, and has now captained every team he has played for. I preferred Tony Adams before he was reformed. Adams took some blows, being comprehensively humiliated by Holland's Marco Van Basten in the 1988 European Championship and being 'Eeeaw'-ed at by fans everywhere for his donkey-style defending. Even with the carrots raining down on him he took it all pretty manfully: 'it motivated me', he says now.

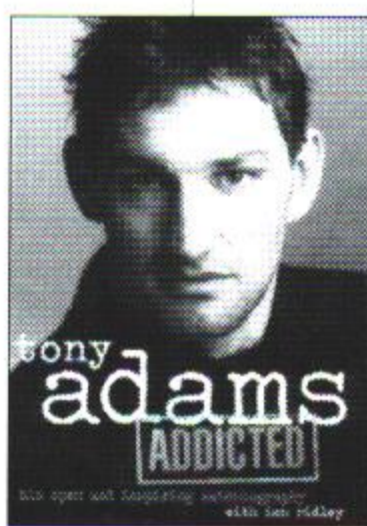
But with the help of Alcoholics Anonymous, Adams

#### ADDICTED

Tony Adams  
with Ian Ridley  
CollinsWillow  
£16.99 hbk

has since learned to 'admit that we were powerless over alcohol—that our lives had become unmanageable'. Now he is convinced that he has been an alcoholic for a large part of his career, but throughout the 1996 European Championship he was on the wagon, taking the team to within an inch of the final (the inch being how far the stumbling Gazza was away from that cross). 'Powerless over alcohol' does not quite describe playing twice a week for a top-flight football club.

IN AA THEORY YOU ARE RECOVERING, BUT YOU never recover. For this reason Stephen Hughes got a wiggling from Adams for spraying beer in the changing room after the victory over Everton which clinched last season's championship, and drink has been banned from the team coach. Adams is trying to have the bar at Highbury closed. 'The other players thought that I was a recovery bore, some kind of David Icke. I was so evangelical about this way of life that I was trying to give it to other people.' The other players are right. The public confessions of Adams and Merson have been turned into a moral fable for our times. The moral is spelled out in Adams' first reaction to AA: 'Until that point I had always thought I could master myself any problem that life had thrown at me. I was Tony Adams of England and Arsenal. I was strong. I was a leader.' Now Adams thinks he knows better, and is keen to confess all about the bad times when this strong leader wet the bed, but his original ambitions were more worthwhile than he allows. Better than being David Icke. ●



FROM THE POINT OF VIEW OF REAL ECONOMIC ADVANCE THE PRODUCTS OF COOL BRITANNIA ARE LITERALLY WASTED IN THE FLAMBOYANT CULTURAL DISPLAY OF A NEW LEISURE CLASS

## FROM RAGS TO RICHES?

**BRITISH FASHION DESIGN: RAG TRADE OR IMAGE INDUSTRY?**

Angela McRobbie, Routledge, £12.99 pbk

**NEED AND DESIRE IN THE POST-MATERIAL ECONOMY**

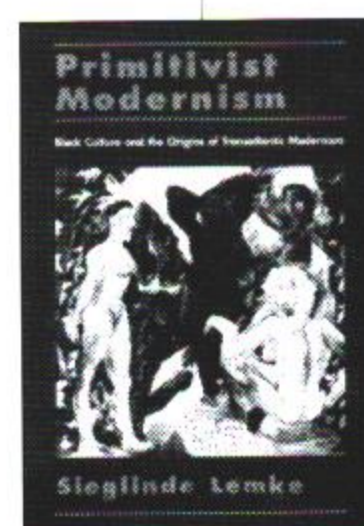
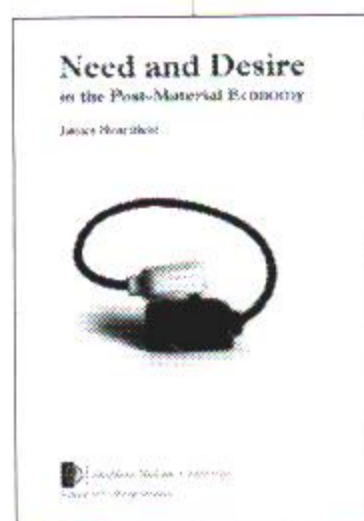
James Heartfield, Sheffield Hallam University Press, £7.50 pbk

WITH THE PUBLICATION OF CULTURE MINISTER Chris Smith's *Creative Britain*, the idea that we have moved into a post-material society in which economies are driven by information and culture rather than material production is no longer restricted to leftfield sociology and cultural studies profs, but has become a component of official thinking. The advance of British pop music, art and film, and of London as a world cultural centre, seems to hold out not only the promise of a new and exciting future for working lives in the information age, but renewed economic prospects for Britain as well.

Both these hopes are reflected in Angela McRobbie's study of one of the cooler of New Britain's cultural industries. According to McRobbie, 'fashion consumption has risen dramatically in Britain from the early 1980s onwards (between 1983 and 1988 spending rose by 70 per cent)...with sales of £3.5 billion in 1994'. *British Fashion Design* seeks to make a case out of post-material sociology for the idea that the young self-employed British fashion designers are pioneering a new 'Utopian repudiation of what used to be known as the "factory clock"', determined 'to transform the world of work into something more than a life of drudgery and routine'. McRobbie describes the 'subcultural entrepreneurialism' of this new type of creative worker, driven by the dynamism of popular culture, and expresses her 'desire' that they will construct a 'new space of practice for creative labour'.

But can the British economy be successfully based on cultural industries like fashion design? In *Need and Desire in the Post-Material Economy*, LM books editor James Heartfield delivers a brutal exposure of the post-material society or 'creative economy'. While accepting that much of the product of Britain's cultural industries may be aesthetically of the best, he insists that 'this flower is growing on a dunghill of deindustrialisation'. The truth is that the creatives of the post-material economy could not exist without the all-too material world of production—and in the case of Britain, that production is increasingly moving elsewhere.

Despite her own hopes for the new fashion designers,



Angela McRobbie has to admit that they are really engaged in 'a new kind of rag trade'; that subcultural entrepreneurialism 'could conceivably be seen as informal, unofficial job creation schemes'; and that successful graduates from such schemes move on to exploiting the labour of less fashionable Greek Cypriot or Asian women in the sweatshops of London, Nottingham and the Far East. The spectre of deindustrialisation haunts her study too: in the very same sentence in which McRobbie notes the boom in consumption of British fashion, she points out that 'employment in manufacturing in Britain has none the less declined as large-scale production has relocated to...south-east Asia'.

The strength of *Need and Desire* is that James Heartfield endeavours not simply to reject post-material sociology or reduce it to economics, but rather 'to take cultural studies in its maturity seriously as what it is—a theory of society as a whole, as it is refracted in our cultural lives'. The fashionable theory of a post-material society makes a virtue out of the limited character of productive investment. Heartfield argues that from the point of view of real economic advance (not to mention the abolition of 'drudgery and routine' in working life) the products of Cool Britannia are literally wasted in the flamboyant cultural display of a new leisure class. ●

Peter Ray

Friends of LM can buy James Heartfield's *Need and Desire in the Post-Material Economy* at the reduced price of £6.50 plus £1 p&p. Phone (0171) 269 9224 for details



## BLACK TO BASICS

**PRIMITIVIST MODERNISM: BLACK CULTURE AND THE ORIGINS OF TRANSATLANTIC MODERNISM**

Sieglinde Lemke, Oxford University Press, £36.50 hbk

**BASQUIAT: A QUICK KILLING IN ART**

Phoebe Hoban, Quartet, £12 pbk

SIEGLINDE LEMKE, A PROFESSOR OF AMERICAN studies at Berlin's Free University, argues that 'blackness' is a progressive and utterly modern force. She also values Afro-American music critic Joel Rogers' statement that 'Jazz is rejuvenation, a recharging of the batteries of civilisation with primitive vigour'. Lemke's premise is that the decline of Western civilisation at the end of the nineteenth century has been stemmed by a timely injection of culture originally derived from

## LEMKE CANNOT TOLERATE THE IDEA THAT HER 'WHITE CULTURE' AND 'BLACKNESS' ARE THEMSELVES ONLY TWO FACETS OF A FAR GREATER HYBRID: UNIVERSAL HUMAN CULTURE

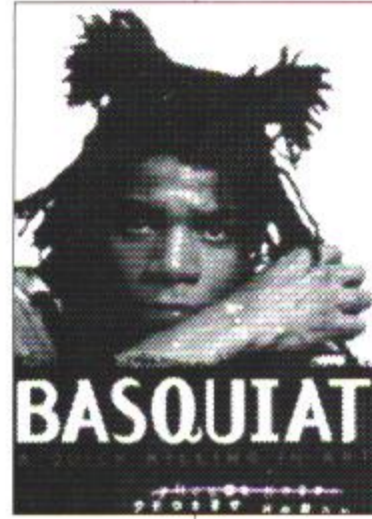
Africa. She cites Pablo Picasso's painting 'Les demoiselles d'Avignon' (1907), jazz music, Afro-American dancer Josephine Baker, and critic Alain Locke's 1925 text *The New Negro*. Black culture, Lemke argues, has set the parameters of twentieth-century life.

Linking primitivism with backwardness is racist in her view (even those Westerners who wish to plunge themselves into primitive backwardness are accused of 'romantic racism'). Lemke's hybrid 'primitivist modernism' is a modernism that is emptied of progress and a primitivism liberated from any negative connotations. This is the philosophy of 'now', a stance she sums up by quoting Picasso's alleged description of Josephine Baker as a reincarnated Egyptian monarch: 'the Nefertiti of now.'

This perspective of 'now', which inflates the value of immediate impressions, is responsible for Lemke's distorted conceptions of culture. Lemke believes that hybrid culture is powerful enough to undermine racism and wishes to demonstrate that hybridity is now fundamental to 'white culture', not just 'blackness'. Because she can only envisage the present, however, she has no conception that hybridity has always played a role in Western culture. From Heraclitus and Ovid down to Regency *chinoiserie*, hybridity is a longstanding tradition in the West.

Lemke cannot tolerate the idea that her 'white culture' and 'blackness' are themselves only two facets of a far greater hybrid: universal human culture. No matter how far primitivism and modernism mingle and blend with each other, for her they remain separate entities. No matter what they do, it seems, blacks will always be different in her eyes. Is this attitude so very different from that which Lemke is happy to denounce as romantic racism?

Lemke tries to hitch black New York artist Jean-Michel Basquiat to her 'primitivist modernism' bandwagon too. But Basquiat's story demonstrates that his motivations were, like his own blues heroes, entirely modern and he had little inkling of primitivism at all (except via other artists). Basquiat's art career lasted only 10 brief years from 1978 to 1988, when he died of a drugs overdose at the age of 27. *New York Times* art critic Phoebe Hoban lists the sources that Basquiat appropriated for his own work: a dictionary of hobo signs from the 1930s; chemistry and mathematics books; Gray's *Anatomy*; dinosaur books; old masters like Leonardo da Vinci and modern artists like Picasso, Robert Rauschenberg and Andy Warhol; television cartoon characters and children's scribbles; African, Haitian, Mexican and Brazilian folk art. In addition, he imported motifs from the blues and jazz scene, Hollywood movies and drug patois. Interviewed by art museum curator Marc Miller in 1982, Basquiat patiently explained that he was only linked 'genetically' to Haiti, through his father. His own roots were entirely American. Like Lemke, however, Miller was convinced



Basquiat was inspired by primitivism, despite his denials: 'I've never been [to Haiti]. And I grew up in, you know, the principal American vacuum, you know, television mostly.'

Much of Basquiat's style was anticipated by European primitivists like Jean Dubuffet and Kurt Schwitters. Basquiat did not invent a new art genre, so much as update an old one with the 1980s theme that only money matters. By then nobody could seriously talk of the aesthetic value of art without sniggering. But if art has no aesthetic value, its rocketing financial value could serve as a substitute. Hoban suggests that his art dealers secretly organised the bidding up of Basquiat's paintings at auctions. And Basquiat himself would illustrate his paintings with the © symbol, ironically marking his legal possession over his 'product'.

Long before Basquiat started stalking Andy Warhol he blew his radical 'graffiti artist' cover in an interview in the *Village Voice* in 1978. He was never attached to New York's black community. His drug habit may have exacerbated his dependence on his dealers, but his aim to have '15 minutes of fame' was voluntary from the very beginning. Basquiat was unique, strutting the New York art scene in his paint-splattered Armani suit but deigning to wear no shoes. Basquiat actively sought celebrity status, but how come he succeeded? If there is any lesson to be drawn from his art, it is that the honorary primitive is still valuable to an art world which has abolished every standard except gold. ●

Aidan Campbell

## LISTEN UP

### AMBUSH AT FORT BRAGG

Tom Wolfe, BBC Worldwide Ltd, available as a double cassette, £9.99, or on a triple CD, £14.99



WHILE EVERYBODY AT THE CUTTING EDGE OF publishing is heralding the internet as a replacement for books, Tom Wolfe has gone back to the roots of storytelling, asking Frank Muller to read out the two hours and 45 minutes of his latest novella on radio and for CD and tape. For those who have been waiting a decade for a follow-up to *Bonfire of the Vanities*, this is classic Wolfe: a well-observed satire on the state of the media at the end of the 1990s.

For the anguished members of the liberal media busy condemning the various failings of modern institutions, the judgement is harsh. A media team decides to investigate the murder of a young US army ranger (who just so happens to be gay) following the army's seeming refusal to find out anything. It doesn't take long for ⇒

## IN WOLFE'S NOVELLA THE MEDIA TEAM SHAMELESSLY RELIES ON SHARP EDITING AND JUDICIOUS USE OF DIFFERENT CAMERA ANGLES TO ENSURE THAT ITS OWN PARTICULAR VERSION OF THE TRUTH COMES OUT

↳ them to decide who was responsible—three other rangers who liked to hang out in a strip joint and drink beer.

The main bulk of the story concerns the media team's entrapment of the 'culprits' and how it shamelessly relies on sharp editing and judicious use of different camera angles (perhaps a familiar theme to regular *LM* readers) to ensure that its own particular version of the truth comes out. As an insight into the world of the 'redneck trio', accused in a trial-by-TV of murder, it's a fascinating reversal of what you would expect. One of the soldiers in particular gives as good as, and often better than, he gets. Perhaps the most satisfying element of the story is the rendezvous with reality towards the end when the implications of what they have done dawn on Irv Durtscher, the producer. His tortured self-realisation gives the final few chapters an added twist that is well worth sitting up for. ●

David Nolan

Tom Wolfe's new novel *A Man in Full* is due out on 12 November (Jonathan Cape, £16.99)

# PREGNANT WITH MEANING

**MENACHEM'S SEED**

Carl Djerassi, Penguin, \$12.95

CARL DJERASSI, PROFESSOR OF CHEMISTRY AT Stanford University, winner of both the National Medal of Science (for the first synthesis of an oral contraceptive) and the National Medal of Technology, took to writing fiction late in life. *Menachem's Seed*, the third in a series of 'science-in-fiction' novels, has at its centre illicit sex, fertility science and a story of stolen sperm. *An Immaculate Misconception*, Djerassi's first play, is the stage adaptation of the novel.

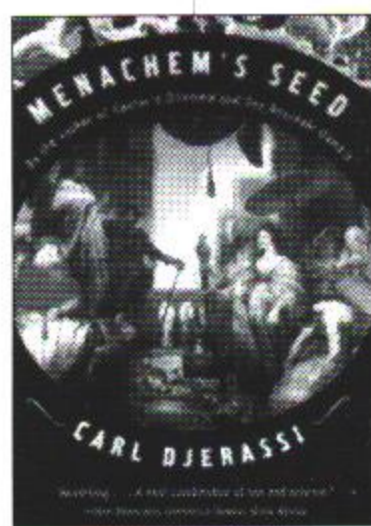
Like his other work, this novel explores Djerassi's interest in the experience of women who pursue a career in science. Melanie Laidlaw, the widow of an eminent scientist and an accomplished scientist herself, is the director of a foundation which funds scientific research into human reproductive biology. In her late thirties she is all too aware of the ticking of her own biological clock. Laidlaw meets Menachem Dvir, an Israeli nuclear scientist at one of the Kirchberg conferences on science and world affairs (based on the Pugwash conferences). Dvir is a married man and functionally infertile. During the ensuing affair Melanie acquires some of Menachem's sperm without his knowledge and uses it

to fertilise her own eggs via the experimental ICSI (intracytoplasmic sperm injection) treatment.

Where Djerassi's earlier novels concentrated on female contraception, this story focuses on the treatment of male infertility. He discusses in some detail the biological functions of nitric oxide, introducing its use in the treatment of male impotence (the basis for Viagra), and the ICSI treatment, which involves the fertilisation of a human egg with a single sperm. It is interesting, as Djerassi himself notes, how changes in research interests in the field of human reproductive biology reflect changes in society. In the past, female contraception, which was celebrated for the increased freedom it brought, was the major area of research. Today infertility treatment and the treatment of male impotence dominate the field.

The presentation of scientific fact through dialogue is effective, all the more so because of Djerassi's understanding of the field. Djerassi's style makes the ideas accessible, a refreshing break from the dry, passive language used in scientific papers today. All dialogue and little description, *Menachem's Seed* reads more like a script than a novel, which is where the dramatised version has the advantage. One of the highlights of watching the play was the ICSI treatment itself, which the audience could view on a television screen 'as it happened' under the microscope. Fascinating viewing. ●

Caspar Hewett lectures in science and environmentalism and evolutionary theory at Newcastle University



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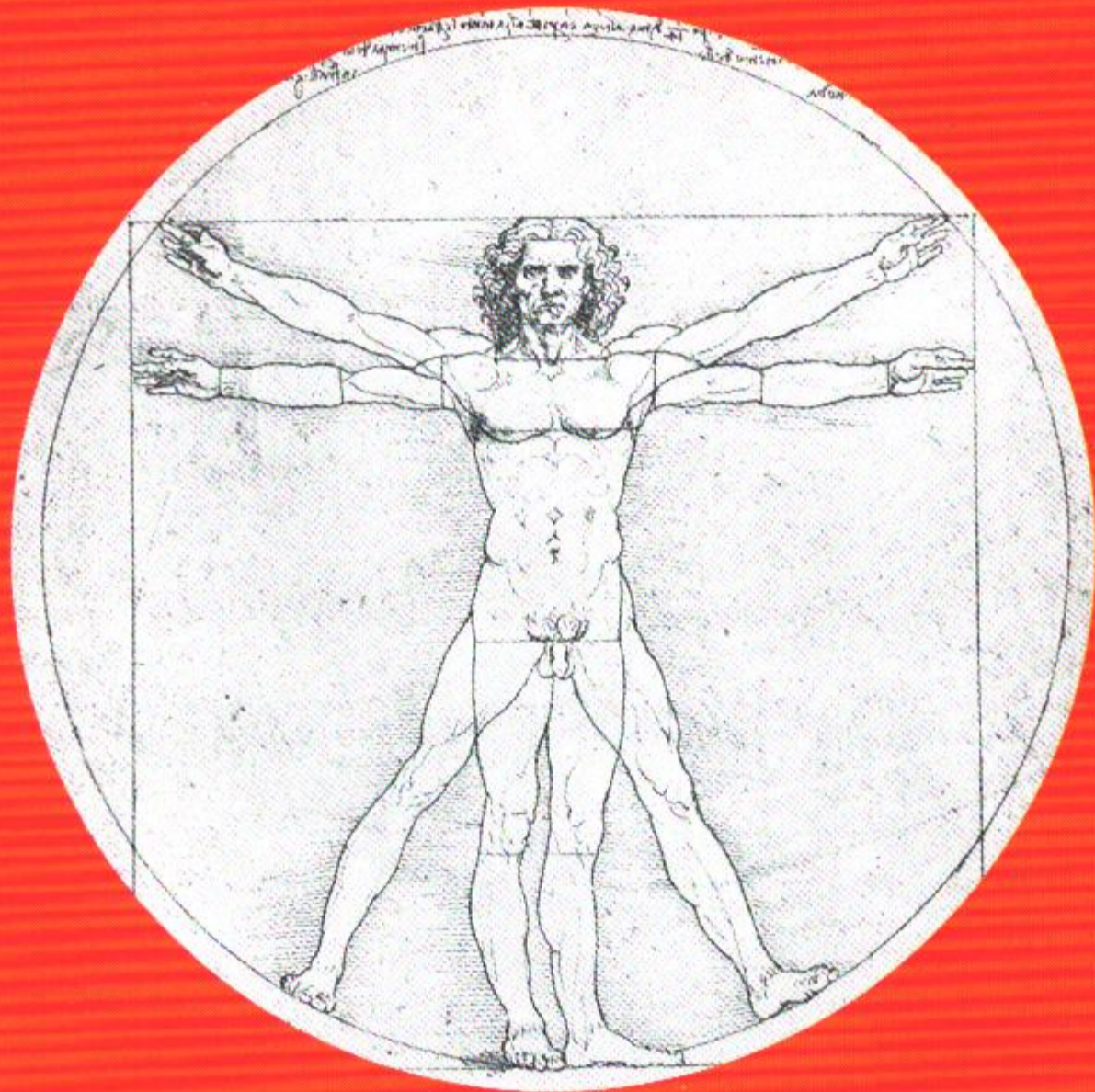
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