

Taking Liberties

From Andrew Puddephatt, General Secretary of the National Council for Civil Liberties

Last December, Judge Rant jailed eight men for consensual activities (MT February): sado-masochistic (S&M) sexual practices carried out by homosexual men in private.

There is no statutory right to privacy in the UK. This is in contrast to most other EC countries, Australia, Canada and the USA. There is also no express recognition of the right to individual privacy in English common law.

Most privacy acts cover protection of personal information. However, cases taken under the European Convention of Human Rights have also afforded protection to individual lifestyles. As a result of a case heard by the Convention

in 1976, in which the outlawing of homosexuality was considered to be a breach of privacy, homosexual acts between consenting adults over 21 were decriminalised in Northern Ireland.

The National Council for Civil Liberties (Liberty) believes that it is unacceptable that we have no legal right to privacy in this country and that individuals have to look to Europe - waiting many years for a result - for protection against arbitrary interference with this right. We need a privacy act, covering areas which are amenable to specific legislative control, to supplement the inadequate protection provided by the Data Protection Act.

Both the Labour Party and the Liberal Democrats have expressed a commitment to in-

roducing legislation of this kind. But this is not enough. A general right to privacy needs to be enshrined in a British bill of rights which protects private lives and tastes from the interference of the state. The incorporation of the European Convention into British law would mean that British judges would be bound to consider these principles when making their judgements.

One of the most frequent criticisms of a bill of rights is the power of interpretation it would afford to the judiciary. However, as the S&M trial illustrated, the judges effectively have this power already in many areas. At least a bill of rights would provide standards - laid down by parliament - against which our judiciary would have to operate.*

From Ros Caveney, a freelance journalist

Much of what Suzanne Moore argues in her piece (MT February) is entirely welcome; the prosecution of a group of sado-masochists is only one of a sequence of events - most recently the provisions of Clause 25 of the Criminal Justice bill - which look uncommonly like the re-criminalisation of homosexuality by stealth.

There are times when attacks on the lesbian and gay communities seem very clearly to be an attempted stirring-up of popular hatred as a diversion of attention from society's real problems, and times when the readiness of the government to pander to that hatred looks even more sinister. Rarely has it been so clear that freedom is indivisible, and that attacks on

one set of civil liberties are likely to be a part of a projected destruction of all such freedoms.

It is because of the universality of the threat to freedom contained in homophobia that it becomes highly important that we try to avoid both the language which dissociates us from sexual acts by others in which we do not want to participate, and the attitudes which that language represents.

Suzanne Moore rightly condemns Judge Rant's reference to 'brute homosexual activity', but she still reserves the right to consider other people's consensual sexual choices distasteful and disgusting, even while rejecting the idea of criminalising them. But, as she herself points out, the particular activities for which the Sh-

ropshire group were prosecuted exist on a continuum with a large number of more common acts, many of which must have been criminalised by the Rant decision; if the breaking of skin suffices for a conviction of assault, even moderately rough sex becomes problematic.

Gayle Rubin has productively suggested that the whole idea of having more and less acceptable areas of consensual sexual activity is one of the concepts which ensures that the oppression of sexual minorities will continue. If we are to combat any attempt of the Right to exploit issues involving sexuality in order to hang onto power, we cannot afford to neglect the virtue of solidarity - which involves a certain restraint concerning our feelings about what other people do in bed.#

From Angus Hamilton, a solicitor who represented one of the defendants in the case

Prior to the sado-masochism case at the Old Bailey, the law on what type of physical harm a person might consent to was, at the very least, uncertain. The judge's decision may establish certainty in respect of S&M activities, but it adds another layer of inconsistency to the law's view of consensual assaults. The nearest precedent which dates from the 30s involved an incident of non-consensual heterosexual spanking in which only academic consideration was given to the effect which consent might have had. Therefore, this could hardly be regarded as a binding precedent.

English law will permit quite severe injuries to be inflicted in the course of sport - a fractured skull in a playground incident was sanctioned on this basis. Surgery, an obvious form of consensual assault, is also, understandably, permitted. But what of cosmetic surgery? A clear example of quite unpleasant physical damage, requiring weeks of recovery and inflicted purely for the 'pleasure' of the recipient - yet permitted by the law.

It is clear that it was the sexual context (and in particular, despite the judge's protestations to the contrary, the gay sexual context) of the 'assaults' that provoked Judge Rant's ruling against consent being used as a defence and the harsh sen-

tences which followed.

The activities in the S&M case were, essentially, victimless crimes. There was not even evidence of men initially without such predilections enduring a process of seduction. And yet, to justify the rulings and sentences, victims had to be found. In passing sentence, Rant referred, overtly, to 'society' being the victim, but he obviously felt the need to establish more tangible ones, since, despite their full cooperation in all the activities, it was the 'masochists' in the case who went free, and the 'sadists' who received the immediate custodial sentences. In adopting this approach the judge has neatly established a potential blackmailers' charter.*

Temple's Children

Nina Temple (MT December) refers to Thatcher's children'. As a 19 year-old student, I presume I am one of these. It seems that her analysis of what my generation needs in the form of political inspiration, while being ultimately sound in its conclusion, misses a vital point.

For a generation which has known nothing but Thatcherism, passions are indeed fired by the idea of a pragmatic alternative to Conservative rule. To those of us whose early political memories are of a labour movement torn apart by militant rhetoric and Scargill's leninism, the prospect of actually removing the Conservatives is inspiration enough.

This is not to say that radicalism is dead; far from it. But any political project which hopes to inspire 'Thatcher's children' must be rooted in a new kind of pragmatism, one which takes into account political realities and realises that the immediate goal of a higher standard of living and a greater degree of self-determination for all is as important as the long-term goal of a classless society. This is why the notion of a cross-party association must not be allowed to slip away.

Those within the Communist Party opposing the new moves should look at where the most radical of my generation are turning for political identity. The rise of Cass War, who have no distinctive ideology apart from rabid anti-authoritarianism, represents an obvious reaction to the marxist-leninist model of political organisation which prevailed on the left up to the early 1980s. If the energies of these young people are to be directed along constructive lines, the proposed new political formation is undoubtedly the best way to achieve it.

The authoritarianism of a party will never find support among many of those young people, whose culture is so distinctively post-punk. Political parties have their place, but there is a desperate need for a formation which can unite those attracted to post-punk anarchism, those desperate for any kind of reform, and those engaged in all the various fields of opposition amongst my generation. What is proposed is just such a formation: we must not miss this opportunity.*
Jeremy Gilbert, Merseyside

Stone, Paper... Fist

Charles Jencks (*MT* February) outlines the structural changes in the 'old world order' fairly well, but his analysis of their political consequences is wildly awry. His thesis that the political coalition against Iraq has been assembled according to new precepts, and heralds the emergence of a new power structure, is entirely wrong. The actual conduct of the war demonstrates clearly that the UN sanction for the war is a fig leaf of Korean proportions, and that paper wraps stone is less accurate a metaphor than velvet wraps fist.

The mistake that Jencks makes is to assume that the changes in the political settlement will be led from the top by George Bush, and will precede the war. Of the great settlements in the European tradition since the Congress of Vienna, only the Congress of Berlin, which effectively finalised the allocation of the world's population to the jurisdiction of a 'modern' state, was not the end product of a ruinous war. The political/military coalition against Iraq, consisting of a cold war Nato axis and a cluster of militarily semi-detached comprador states, reflects the old order, not the new.

The allied strategy further demonstrates this. Iraq is to be rapidly defeated. Ideally there will be no defections from the allied coalition, and only Iraq will be actively engaged as an enemy force.

It is Saddam Hussein, the barbarian at the gate, who will herald the new world order, if anyone does. His subtle military strategy - sending Scuds to Tel Aviv, opening the land battle by attacking the US forces, parking up the air force in Iran for future use - could still transform the war. Significant defections from the coalition, or the active political defection of their populations, could trigger the widening of the war, as he wants.

It is this expanded war that might complete the process of American decline. The modern nation states, the product of 1945 above all, the grown-up children of the empires, are breaking free from their chaperones. The US economic hegemony, which allowed it to be the policeman of the world, cracked irretrievably in March 1968. The dollar crisis and the abandonment of the Gold Standard signaled the beginning of

the end of the dollar bloc and led to the inevitable American withdrawal from Vietnam.

The new world order will be born out of Saddam Hussein's war or not at all, and the winners will be they who also stand and wait, Germany and Japan. This is, of course, conditional on their preservation of their trump cards - strong economies - for the peace conference, by being politically pro-American but militarily neutral. They will be the *constitutional* monarchs of the new world. Just what form this 'glorious revolution' will take is beyond our ken at the moment. However, if the US wins, and imposes an old-fashioned *pax americana*, then we can confidently predict a rematch in the future.*

Aigneis Nic Ghille Aindreis, Edinburgh

New World Bosses

I note that while Charles Jencks (*MT* February) believes in the existence of a new world order, he is rather sceptical about what it all means. Might I suggest that before he ponders further, Mr Jencks has a listen to the Pete Townshend song *Won't Get Fooled Again*, where he will find the line, 'Meet the new boss, same as the old boss'. Seems so. *Charlie Murray, London*

Reading Together

Having read the resolution of the 1990 Congress of the Communist Party, I am in broad agreement with the positions adopted, except for one: I do not see the need for an 'association' alongside the Party.

Surely it would be a drain on Party resources that it can ill afford.

A much better way of building alliances is the network which already exists all over Britain: *Marxism Today* readers' groups, composed of members and friends of the CP. This is a movement which has grown in the only way that alliances can, from the bottom up; it is not merely a discussion group, but a real movement engaged in real debate. This is what we should be concentrating on, rather than indulging in ambitious yet not immediately helpful plans.

I hope that the Party can use *Marxism Today* as its 'front door', and as a major interface with the wider movement: *MT* has done more than anything else to build up the prestige of the CP, and that contribution should never be forgotten. *O Brian Precious, Oldham*

Semper Fidelis

I found the roundtable on fidelity (*MT* February) fascinating reading, but intensely depressing as well. It is a sad reflection on relationships today that a group of strangers can have this kind of discussion, while, even in the light of the Aids crisis, lovers still cannot. *O Paula Price, Boreham Wood*

Time To Economise

A reduction in interest rates, albeit difficult given our currency's position within the Exchange Rate Mechanism, may well be necessary if we are to avoid an even deeper recession. However, such an adjustment in monetary policy will not solve the structural weaknesses of the British economy to which Andrew

Gamble has referred (*MT* January).

These weaknesses include: the concentration on short-term rather than long-term investment; archaic industrial relations and the absence of a national wage-bargaining policy; discrimination on the grounds of race, gender and disability; the failure to develop a fully and flexibly-trained workforce, and, lastly, the kind of regional political structures that could initiate new economic and investment strategies.

These deep structural problems are cultural and political as well as economic, and will require far more than the odd adjustment to monetary or fiscal policy if we are to begin to solve them. In many respects we have wasted the last 40 years by our failure to address these problems, preferring instead to concentrate on short-term, electorally convenient policies. The consequences of this failure are all too apparent: a huge gap between domestic consumption and production; massive regional inequalities; the decline in our manufacturing base; long-term unemployment, low pay and poverty for some.

Surely it is now time to start a national debate on the long-term future of the economy. If we fail to do so, economic policies will remain more show than substance and the unemployed, the low-paid and others on low incomes, as well as manufacturing industries and small businesses, will continue to suffer as we lurch from one recession to the next. *O Jonathan Fry, Yorkshire and Humberside Low Pay Unit*

The Sun Rising

'Marxism Today - Where no magazine has gone before'. Sadly, judging by the advertisements on pages 2 and 47 of February's edition ('Blind Date' and 'Mandate'), you are going where all too many have gone before. Why not change the name to *The Sun* or some other sporty title? *• David and Marjorie Drysdale, Angus*

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