

ON THE NEED TO ALLOW PEOPLE TO HARM EACH OTHER



MATTHEW PARRIS



When Mrs Thatcher was Leader of the Opposition, and I worked on her personal staff, I remember opening a letter addressed to her from the Cambridge Freedom Association, requesting a 'message' from the Leader.

This sort of request was always dealt with by her personally, but I attached to it my own draft message in case she should want some ideas to work on. It included this passage:

Each of us wants to be free to do those things that he considers harmless, enjoyable or useful. Each of us is happy to allow similar freedoms to others. Even a Stalinist would agree to this. But the acid test of our belief in individual liberty is our willingness to allow people to do things that we consider harmful, unpleasant, or useless.

Naturally, this draft was intercepted and removed before it even reached Mrs Thatcher! I have no idea what her reaction would have been; nor do I know whether it would have pleased the Freedom Association. I hope so but I am not confident.

Later, I remember being asked to join forces with the National Council for Civil Liberties, on some issue or

other. I asked them what record they could show me of support for individuals who had lost their livelihoods because they would not join a closed-shop union. By way of reply, I was greeted with a stony silence. Each incident, in its way, depressed me.

I began to wonder whether the call for individual liberty amounts, with many, to anything more than special pleading for some cause or activity which already meets with the approval of the speaker - dressed up as a philosophical argument.

JOHN STUART MILL'S FORMULA

Intellectual dishonesty of this kind worried John Stuart Mill. He came up with a formula which many Conservatives and liberals have thought helpful. Each man, he wrote, should be free to do whatever does not harm others. Actions which only affect their author - even if they harm him - are no business of the law or the state.

I must tell you that John Stuart Mill's formula is absolutely useless. Almost every human action - whether private or public - affects others sooner or later, directly or indirectly. It will not do to tell Mrs White-

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The views expressed in this publication are those of its author, and not necessarily those of the Libertarian Alliance, its Committee, Advisory Council or subscribers.

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house that nobody is forced to watch an unpleasant television programme. She has her answer: that unpleasantness, like carbon monoxide, has a way of seeping out and into everything and ultimately touches us all whether we want it or not. It will not do to tell Ray Buckton that whether a man joins a trade union is his own affair and that he can opt out for himself without forcing anyone else to do so. Mr Buckton has his answer - I have asked him. It is that solidarity is the essence of any labour movement. Lose that and you lose everything. Once people start opting out they will affect and undermine the union that the remainder belong to.

I think that Mrs Whitehouse's and Mr Buckton's arguments are probably true. It is just that Mr Buckton's argument would have applied equally to people who did not wish to be Roman Catholics during the Spanish Inquisition; and Mrs Whitehouse's argument could have been used with the same force against women who wore skirts above the ankle when that was thought sinful, or against mixed-race marriages in South Africa. Practical observation teaches me that if people feel strongly enough that something is wrong, immoral or unpleasant, they will always be able to find an argument that it is harmful to society that it exists at all; even in private. So Mill's principle, that the state has no business interfering except where behaviour affects others gives the state a pretty free rein.

A DISHONEST WAY OF DEFENDING SOMETHING

I have tried for many years to defend Mill's principle because it sounds so reasoned and civilised but it is indefensible and I have give up. I have been forced to examine my own motives in cases where I defend individual freedom and have discovered that there are two:

Firstly I must admit that it is sometimes a dishonest way of defending something that I do not myself believe to be wrong. I have caught myself calling for "tolerance" for unpopular behaviour when the truth is that I myself do not believe the behaviour is wrong, but, finding that others will never agree, I have concluded that it is easiest to avoid the argument about right or wrong, and simply call for tolerance.

Two examples of this are homosexual rights and Sunday trading. I do not believe that adult homosexuality is necessarily harmful or morally wrong but many voters will not be persuaded of that. The argument that we should all mind our own business is more likely to appeal to them although it is not necessarily true at all. I do not believe that concluding a commercial transaction on the Sabbath is necessarily sinful, but where someone *does* believe this I know I am unlikely to change his mind, but may at least persuade him that it should be for the individual conscience, not

the law, to decide. Again, if Sunday trading really was a great evil, I am unsure whether it *should* be left to the individual, but "mind your own business" has such an instant appeal to the English mind.

NO END TO THE LAWS AND REGULATIONS THAT COULD BE PROPOSED

In other cases, the real motive that I have uncovered is very hard to state without sounding like a Fascist which I am not. I do actually believe that people should be allowed to hurt each other a bit. A society in which the individual is prevented by law from all wrongdoing, and protected by law from all the consequences of others' wrongdoing, is a society in which the individual will grow weaker and less and less able to fend for himself. A society in which people are unable to fall will be a society in which people are unable to stand. For that reason, though I may be persuaded that some form of behaviour is hurting other people, that alone will not be enough to persuade me that it should be made illegal - even if it would be easy to prevent it. Examples of this are my opposition to the compulsory wearing of seat-belts, and the unchecked growth of home-safety and road-safety legislation. In all these cases I entirely accept that people are hurt as a result of their own and others' carelessness. Even in the case of seatbelts, you and I, the taxpayers, are hurt every time an unnecessary accident occurs. But there is no end to the laws and regulations that could be proposed to protect us from cradle to grave and through every moment of the day. Yet my physical co-ordination, my judgement of distance, my skill in self-defence and self-preservation, and such physical courage as I possess have all been learned through the seemingly endless series of scrapes I have got myself into since I first learned to walk!

LEARNING THROUGH DANGER AND ADVERSITY

Rock-climbing falls, hang-glider crashes, broken limbs, electric shocks, I've had them all! Without them I would be a softer, weaker and stupider man, yet I've seen proposed in Parliament new laws which would have protected me from every one of these potential disasters.

We cannot have people murdering, robbing or raping each other without hindrance from the criminal law. There must be limits to an individual's right to hurt another. I am simply concerned - and it is the purpose of this article - to point out that the arguments for legal interference trip more easily from the tongue and have a more immediate tug on the heart-strings than the arguments for standing back and letting people hurt each other. Much of what is finest and most admirable in the human spirit is learned through danger and adversity and can be learned in no other way.