

MORALISING IN DEMORALISED TIMES: WHY IT WORKS TO PUBLISH LOTS OF PAMPHLETS DEFENDING THE RIGHTS OF SEXUAL DEVIANTS

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The purpose of this piece of writing is to answer a question which is seldom put to me in so many words, because to those putting it the whole thing is too embarrassing. The question is evident more in a certain sort of face made by one of my relatives, in the haste with which they move onto another topic, or reach for another Libertarian Alliance pamphlet and say how much they like the look of *that* one.

The question is: "Brian, what's a nice, well brought up person like you doing publishing pamphlets by sex perverts?"

And what my relatives and friends seem to be saying to me personally, the conservative inclined critics of libertarianism definitely do say, that it has a unhealthy and disproportionate fascination with sexual deviance.

This piece is my reply to such criticisms.

I hope that other libertarians like me, who aren't out-of-the-closet gays, or pornographers, or sado-masochists, or any

such thing whatever, may find some answers for their respectable and alarmed friends and relatives. Also, the sexually more excited libertarians, the libertarians who are also libertines, will learn more about what sort of comrade they have — and don't have — in me, and in the libertarians like me.

I AM NOT A PERVERT

The whole point of this piece is that, as I say, I am not myself one of these sexual screwballs. I don't collect dirty videos. I'm neither a leather gay nor a woolly cardigan gay. I once had a couple of articles published in *Gay News*, which gets mentioned in my potted biography from time to time, and some may have assumed me to be gay. They can assume away, for all I care, but they assume wrongly. And I certainly don't do things like hammer nails through my foreskin, or have myself tied to a bed and flogged by a woman in a shiny black plastic costume that covers her entire body except her nipples and her vagina.

I rarely visit Soho, which is the name of London's sexual sleaze district. When I do, it is usually to visit one of my favourite shops, which is in Berwick Street and which has a particularly fine selection of second hand classical CD bargains. My idea of a really big thrill is getting to know a good piece of classical music that I didn't know before.

I deviate from sexual normality only in being rather *less* sexually active than most of my contemporaries. As a teenager in the nineteen sixties I realised very quickly that sexual liberation included the right to say no without explanation, an insight that others have taken a quarter of a century to arrive at, and which they announce by saying that they



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FOR LIFE, LIBERTY AND PROPERTY

oppose sexual liberation. (They confuse, in other words, the right to say no with the obligation to say yes.)

I, A LIBERTARIAN

So if I am not myself a one man sexual freak show, why do I consume such large chunks of my time, money and reputation defending the rights of those who are?

It starts with the fact that I decided that I was a libertarian, for all of the usual, outdoor, respectable, pro-free-market type reasons. I preferred West Germany to East Germany. I realised what a disaster the welfare state is. I had my own particular angle on libertarianism through having been an architecture student, and thus having had a ringside seat during the sixties and seventies both of the physical catastrophe that architectural modernism has been and of the anti-libertarian intellectual foundations that caused it to be a catastrophe. Plus, I hated school. The usual stuff of which libertarian CVs are made, in other words: a few general opinions, a few particular experiences. Nothing out of the ordinary or calculated to upset any maiden aunt, and the sort of thing that positively delights reactionary uncles.

ERRORS OF POPULISM

Much of my fondness for publishing pamphlets defending sexual license is simply: the division of labour. When I got started as a pro-liberty activist, lots of people seemed to be doing pamphlets about privatising the electricity industry or introducing education vouchers. Few seemed to be putting the case for liberty in its more extreme, scandalous or exciting forms. The Institute of Economic Affairs, for good fund-raising reasons, has always worn a tie rather than a T-shirt. The Adam Smith Institute also wears a suit and a tie, whenever it talks to the Men In Suits who rule us which is frequently. And the populists of the Freedom Association were beating their right wing drums, demanding freedom for everybody decent and the suppression of indecency.

A common populist fallacy is that people will accept any idea that they aren't offended by. I've lost count of the number of personally quite interesting semi-comrades I know, who deliberately choose to seem more boring than they really are, so as not to upset people.

Insofar as the task in hand has been gathering votes for Prime Minister Margaret Thatcher, and then helping her to slow down somewhat the rate of Britain's relative national decline, avoiding the more scandalous aspects of the case for freedom was probably wise. But as a means of *spreading ideas* the don't-upset-anybody strategy fails utterly. The trouble with failing to offend is that you will fail even to be noticed.

That many media people would like to destroy civilisation as we know it is probably true. But they are even more inclined towards keeping and doing their jobs. Their job is to attract large audiences and to keep them, and you do not keep normal people interested by having only normal people trying to interest them. Circus acts are done by circus entertainers, not bank clerks.

Ironically, it is often exactly these supposedly awkward and embarrassing topics, such as sado-masochism, which communicate most forcefully and widely to the general public. Media people only tolerate philosophical abstractions if such ideas are dramatised memorably, with real cases and particular examples, and the more lurid some of these cases

are, the better. The public may not *like* sado-masochism, but they know approximately what it is, and the issue has exactly the kind of circus freak atmosphere that pulls in crowds and boosts ratings.

Recently I was asked to join in a radio discussion about people who want to *have their limbs removed*, and if you think that's lunatic and over the top, so do I. I accepted of course, and the extremely strange conversation that followed enabled me to assert the primacy of the self-ownership principle, in a way that made absolutely clear the kind of ideas that the Libertarian Alliance stands for. Had there been no Libertarian Alliance, and no me fronting for it, that opportunity would have been missed.

COMMUNICATING IDEAS WITH EXACTNESS TO A WIDE AUDIENCE

Not only is it boring to concentrate only on the safe bits of the argument. Worse, far worse, it is *intellectually imprecise*. *Exactly what* do you mean by liberty, libertarianism, and so on? Unless some at least among us are willing to answer tough questions about such things as the more scandalous and obviously harmful drugs, or about human blood sports — sexual and otherwise — then we are doing no more than waffle. If you say you are in favour of “freedom”, most will agree. They may even clap, if it's that sort of occasion. They may *even* clap if you say that you are a libertarian. But do not deduce from this that you have said anything, or persuaded anyone of anything. In the absence of particular illustrations of your general points, each clapper is agreeing with whatever he or she happens already to believe. That could be gays being allowed to hold hands in public or sado-masochists being allowed to flog each other in private, but it could just as easily be the opposite. It could mean the freedom of “ordinary people” to be forcibly protected by the state *from* such regrettable and post-sixties abominations. Libertarianism communicates not just a generalised inclination towards “freedom”, but a detailed philosophical and political agenda.

A SURPRISING POPULAR SUCCESS

Besides which, not all the disagreeable LA stuff is considered by such people as my more staid relatives and their staid friends to be as disagreeable as some of it is.

A few years ago, there was an “open day” in Englefield Green, Surrey, where I spent the whole of my childhood when not at my vile and overpriced boarding school, and where my mother still lives. At these open days, the good people of Englefield Green are invited to visit a number of the prettier gardens in the locality, my mother's being one of them. Proceeds to charity. An occasion more unlike an LA conference on Sexual Freedom would be impossible to devise. I was there, trying to be useful, making conversation with old ladies, etc., and as always on these occasions I was evasive about what I do in London politically, concentrating on the self-employed desktop publisher angle. But this time — I can't remember how or why — I allowed myself to be cross-examined about libertarianism.

Libertarian economics cut no ice with these concerned protected people. They were far too charitable and knew far too little about the way the welfare state works and what it costs to want to dump it completely. But then one of these deeply normal and unperverted people *asked me* what I thought about the Spanner case — which was the one with

nails through foreskins. She volunteered the opinion that although it was obviously quite, quite revolting what those ghastly men in the Midlands had been doing, it was even more wrong to send them to prison. The police should be out chasing real criminals, not wrecking the lives of sad little men who were hurting only each other. Why hadn't there been more criticism of this outrageous, cruel and unnecessary verdict?

I responded by talking about the LA's then recently published Legal Notes 12 about that very same Spanner case (*Sado-Masochism and the Law: Consent Versus Paternalism*, by Anthony Furlong), to widespread approval. A publication about a disreputable situation isn't the same as a disreputable publication, and sometimes even respectable Southern England can spot the difference. If the LA had tried to play it safe in order not to upset these people, it would have got nowhere with them. But because of the LA's willingness regularly to swing from the chandeliers, there was an area of real agreement.

LAW AND LICENSE

Whenever I am on the radio, talking about some ghastly new form of self-destruction that has just hit the headlines, I always try to switch the subject away from talking only of the particular perversion in question, and towards the idea of law itself.

The central legal error of our time is the belief that the law is an instrument for the correction of all vice, rather than for correcting only the particular vices of violating the property and persons of others, and of failing to settle disagreements with other people peacefully.

Law cannot impose virtue and beauty and tastefulness and niceness of every sort. It cannot make everyone live in nice gardens like my mother's and make everyone like nice music such as the music I like. The only consequence of such all-embracing ambition is that the law becomes unable even to do what it can do, which is to resolve disputes peacefully, as and when they arise. The law tries to stamp out drug abuse, fails, but corrupts all its policemen and all its judges, and becomes incapable of catching and punishing bank robbers. The law is now also trying to abolish pornography. It will fail, and will duly create more black markets and more sources of corruption and of legalised devilry.

In their ferocity to catch peaceful but sinful persons, zealots who know far less about virtue than they think they do, and nothing about law, trample down the rights of the accused, and of witnesses, and of jurors, and of the parents of the accused and of the parents of witnesses and the children of jurors, and of anyone who complains about any of the above, and the end result is that regular citizens come to regard the police as an army of occupation, judges as scoundrels and the law as an evil joke.

The more ghastly the perversion being argued about, the more striking and more attention-grabbing is the libertarian claim that the law shouldn't forbid it. The more I reveal that I too consider the perversion in question to be perverted indeed, the more forcefully I make the exact point I'm trying to make. Which is: that just because all decent people hate and despise something, that doesn't mean that it ought to be illegal, and that just because we admire something else that doesn't mean that this other admirable thing should be compulsory. If all I was arguing for was the

rights of people whose morals and tastes I admire, that wouldn't pack half such a punch.

REACHING THE POLITICAL NATION WITH PAMPHLETS ABOUT SEXUAL PERVERSION

I have already mentioned the populist errors of supposing that to communicate with the masses, it is necessary at all times to agree with them, and to discuss only agreeable things.

The greatest populist error of all, from which all other populist errors tend to flow, is to suppose that political ideas are important only insofar as they impinge upon "the people". But most political ideas seldom reach the realm of general discussion until they are already enacted in law and deeply dug in at the universities, and mostly not even then.

The task of the LA is not so much directly to reach out to the nation generally, as to reach the much smaller "political nation", numbering only a few tens of thousands, who specialise in thinking about political ideas, whether in a libertarian inclined manner or not. Our job is to get to university faculties and to the more thoughtful of political activists direct, not as the mere consequence of our ideas already having achieved universal popular success. If we waited for that to happen, we'd wait for ever.

The value of little LA propaganda successes like radio performances about sado-masochism is not that "the people" are going to be impressed, but that they enable us to reach current and future members of this much smaller specialist group of persons inclined towards reflecting about political and philosophical ideas. The biggest single reason for publishing stuff about the rights of sado-masochists is that although the nation as a whole has little time for such stuff, a much larger proportion of the *political* nation is interested in these ideas, either for or against. The right to damage yourself is central to the debates now raging within the political nation.

Thanks to the influence of libertarian ideas, the "right" of British politics is not only becoming gradually more libertarian on the economic issues, it is also starting to make genuinely libertarian noises on the so-called "social issues", or at least the younger bits of the right are, and the majority of the right remains just as obsessed with "social" liberty as ever, and ever more vehemently opposed to it as the libertarian contagion spreads through their ranks. And the "left", although improving (how could it get any worse?) on economics, is also becoming more philosophically consistent, that is, on "social" issues it is getting worse. Partly because of the influence of feminism, the left is becoming ever more hostile to freedom of expression, whether it's for pornographers, for advertisers, or for anybody else they don't agree with.

But not everyone on the left agrees with this shift away from freedom on social issues; many are appalled. So there's a real niche there which libertarianism can fill. And we can't expect to appeal at all strongly to a sub-group of the political nation if all we ask of them is that they read our stuff. We must get them also to write it. This involves no compromise on libertarian principle, merely a mild dose of "unhealthy obsession" with some issues rather than others.

THE LIBERTARIAN ALLIANCE IS THE CONSEQUENCE OF MANY DIFFERENT LIBERTARIAN OBSESSIONS

All libertarians tend to be “unhealthily obsessed” with one aspect of libertarianism or another. With these left-libertarians it’s sexual expression, physical and communicational. Ditto Libertarian Alliance Director Chris Tame, who has made most of the LA’s overtures to these same left-libertarians. With me, if anything, it’s probably libertarian tactics.

And how about the free-marketeers’ notorious obsession with free markets. The endless discussions of economics, economics, economics that have dominated the libertarian revival until recently are just as bizarre to passers-by as any arguments about sexual perversion, and for many they are a lot harder to understand and join in with.

Or consider David Botsford’s obsessive interest during 1993 in the horrors of compulsory education, or his obsessive interest before that in the cinema? We should all be so obsessed. The LA gets its results by publishing the written consequences of a mass of different obsessions, which may any decade now balance each out, and then again which may not. If that puts the LA at the mercy of its contributing writers and causes our output to lurch from one unbalanced obsession to another, then so be it. If you think our output is unbalanced, the way to balance it is to write something else libertarian that corrects the balance.

I do not deceive myself that someone like Avedon Carol, pleased that we are now publishing several of her pieces originally written for Feminists Against Censorship, will immediately abandon her enthusiasm for socialist economics and do a complete switch to across the board libertarianism. It doesn’t work like that. What I do expect is that she and other left libertarians whose work we publish will become better acquainted with what the LA means by libertarianism and, when the topic arises in left libertarian circles, describe our position accurately, if with a degree of friendly jocularity. Thus will the LA’s ideas spread, and thus might they eventually gain acceptance in the nation as a whole, and the world as a whole, among all those people that the populist libertarians want to reach straight away.

FREEDOM, MORALITY AND LONG-TERM CONSEQUENCES

The fundamental difference between left-libertarians and (as I would see it) real ones is that while we believe in freedom for the sexually unconventional (as for everyone) we also believe that each should pay his own bills. Each should be allowed to cooperate with or shun whomever else he likes, on whatever basis he likes, and if that places a burden upon those “discriminated” against, too bad. None should be allowed to compel cooperation from others; each should merely be allowed to seek it. If I find pornographers rather creepy and wish to avoid their company, even as I help to defend what I think ought to be their legal rights, that should be *my* right.

I think that a libertarian society would be a deal less “permissive” in its overall social atmosphere than the one we live in now, in which people have for so long been guaranteed a state income, even if everyone else finds everything about them completely appalling, and in which productive effort is so cruelly taxed to pay for the idlers, and so hedged about with statist regulations and restrictions.

The welfare state, together with the tax regime that must accompany it, literally de-moralises. It separates people entirely from any of the long-term benefits or harms that would otherwise result to them from their own actions or inactions. Welfare is indeed “libertarian”, in the sense that it “frees” its receivers to live lives of vice and debauchery and mindless self-indulgence, and it punishes all who persist in looking beyond their immediate pleasures; it punishes, that is, the process of being moral. That the ideology of permissiveness has arisen side by side with the rise of the welfare state is effect and cause.

Get rid of welfare, and there’d then be far less “permissiveness”. There’d then be no cause to spend billions smashing around the planet in a futile attempt to wipe out the drug trade, or to crack down on naughty videos or computer porn or the tendency of building workers to whistle in the street at pretty women. Reality itself would moderate such indelicacies. To remoralise the world, the law needs only to punish definite acts of genuine aggression. It needs only to allow reality to inflict its own punishments and bestow its own rewards, uninterrupted either by welfare payments or by the heavy taxes on productive work, or by laws about how and for whom you must work. If I’m wrong, and sex and drugs and rock and roll continue to be consumed to excess in a post-welfare-state, zero-tax, un-state-regulated world, then so be it, provided, as I say, people pay their own bills.

THE RESTORATION OF VIRTUE

Now this is a very old-fashioned, Old Testamentish sort of message. For those who’ve been ignoring it, tomorrow can be an unforgiving place. Libertarianism is, morally speaking, a sheep in wolf’s clothing. It seems very daring and permissive and exciting, and in a sense it is. You really can do as you please, so long as you don’t violate the rights of others to do likewise, which is why the sixties and all that the sixties stands for did so much to create libertarianism. But, although it often speaks about sixty-ish dramas to do with sex and drugs and prostitution, libertarianism asserts the old fashioned obligation to do right by your fellows, only to disport yourself in ways you can afford and that your fellow revellers consent to, and all the while to consider what much more profitable and productive things you might be doing instead. Libertarianism is a lot more like the voice of respectable Surrey than it seems.

The ancient cause of individual liberty and limited government had somehow to keep going in the degenerate world that welfare, high taxes and state regulation have spawned. It must walk the mean streets of the late twentieth century and it must dress accordingly. We libertarians are told by allies who share our morals but who lack our street wisdom that it is unwise for libertarians to publish piece after piece about the rights of perverts. But it would be very unwise for us not to. Those embittered leftists who really are trying to wreck Western Civilisation, even as they have lost all faith in their preferred alternatives, recognise what a menace to them libertarianism is, the way suit-and-tie Freedom Association bombast never could be. Libertarianism looks and sounds like bugger-everybody, fuck-everything nihilism, and thus it steals support away from the nihilist left. But beneath that veneer of slime and sleaze, there lurk hidden depths of decency. In a vicious age, libertarianism disguises virtue as vice, and thus contrives the restoration of virtue, the way virtue unadorned never could.