



Old Hickory's Diary

Diary Entry date
18th October 2000 ...

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Zero Tolerance.

William Bratton (one-time Police Commissioner of New York and originator of the idea zero tolerance) tends to deny that the label “zero tolerance” is of much use and so do all the other spokesmen for it, apart from Ray Mallon, a British Detective Superintendent of CID. He speaks of the label with pride — though he drops it in articles written with the academic Norman Dennis.

In those articles we get the theory of demoralisation, rather than poverty, as the major cause of recent rising crime, and individual responsibility is championed rather than the nebulous idea that it is society as a whole that is to blame. These insights seem to be owed to Dennis rather than to Mallon.

“Conspiracy Claim by Mallon”, *Daily Telegraph* (p.8), 9 August 2000, reports that Ray Mallon had filed a complaint against the police officers that had opposed him. The Radio 4 programme, *On The Ropes*, 8 August, told how *Operation Lancet* had led to Mallon's suspension in December 1997. He had

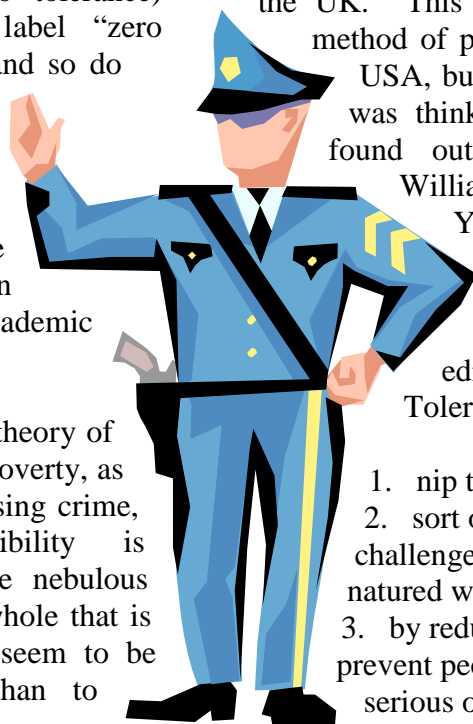
been accused of covering up for two officers who had traded drugs for information. John Humphries asked if Mallon had known that such trading was going on. Mallon replied that he did not

know of the trade of drugs for information, hinted that in reality this trade was not going on, and that the whole thing was a trumped up charge by certain senior officers.

Prior to his suspension Mallon was Detective Superintendent of CID at Middlesborough and the leading advocate of Zero Tolerance policing in the UK. This was supposed to be a method of policing pioneered in the

USA, but Mallon has claimed he was thinking about it before he found out about the work of William J. Bratton of New York. The IEA brought out a book on *Zero Tolerance* (1997), Ed. Norman Dennis. The editor sums up Zero Tolerance as three things:

1. nip things in the bud.
2. sort out the smaller challenges to the law in a good natured way.
3. by reducing petty crime prevent people from going on to serious offences (p3).



In practise the police seek to stop petty abuse from teenaged gangs on the streets and focus on known criminals with a view to arresting and putting them out of action.

Mallon had pioneered this paradigm in Hartlepool where he took over on 18 April 1994 as head of crime strategy for

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two and a half years. He saw policing as more than just the detection of crime and the arresting of suspects in the wake of crimes. He thought it concerned getting the crime rates down and vanquishing the idea that the streets were not safe at night. In the radio programme, Mallon held that zero tolerance did not stand for an overbearing attitude. But this did not mean that we should ignore anti-social behaviour like dropping litter or menacing people. People do not need to be arrested for things like dropping litter, but they should be ticked off for it. One policeman, Charles Pollard, writing in the IEA book, holds that zero tolerance is really no more than calling for a return of the traditional British policing of the "bobby on the beat". He writes, "The significance of our policing traditions is that, in a limited sense, 'Zero Tolerance' has always been part of the English policing tradition. As we have seen above, 'Zero Tolerance' in New York suggests tackling low level disorder and incivilities, albeit through a narrow, aggressive and uncompromising law enforcement approach. Tackling broken windows is something that has always happened in English policing: it is just that we use a different way of explaining it. In England it is enshrined in the concept of 'the Bobby on the Beat'."

When Ray Mallon arrived at Middlesborough, he said he would cut crime there by 20% within 18 months or he would resign. He had given himself only twelve months at Hartlepool. The additional six months at Middlesborough may have been for extra safety, but it was still impressive. The Middlesborough police had a reputation for indiscipline and not really look into crimes that they supposedly went out to investigate. This was the sort of thing that Mallon thought he could end fairly quickly. Humphries questioned him on the methods he might use to achieve his target and asked about the rumour that police records had been adulterated during Mallon's twelve months at

Middlesborough. Mallon denied any such thing and said that the rules were not inadequate to get the job of policing done properly. There was no need to alter any records to get results. Zero Tolerance was about morals and ethics. He had had no trouble at all at Hartlepool. Humphries asked him why he moved and Mallon replied that he could not resist the challenge of repeating the Hartlepool results in a fresh place.

Zero Tolerance is not a harsh policy but a firm one. British give and take will remain, but a police presence will be felt whenever it is thought to be needed. John Humphries asked Mallon about his 'stop and search' policy. He replied that those stopped were known criminals, often stopped at 3 o'clock in the morning, and that they were targeted to some extent. Anyone out at 3am should not object if the police asked them a few questions, said Mallon. They were the ones to be discouraged from indulging in crime. About two thirds of crime is committed by one fifth of offenders, so much of it can be cut if a small number of people are closely watched.

There is also the idea that by paying attention to petty crime, a potential criminal career can be nipped in the bud. Children who ride their bike on the pavement, or have no light when it is dark, or simply swear in the street are never ignored but ticked off. Mallon made a special target of burglars and hampered the active ones by arresting them. He cut crime in Hartlepool by a third and then took up the job at Middlesborough.

Mallon was told not to go there by many, he told John Humphries, but he saw it as a challenge to try the zero tolerance tactics in a new area. But many did not welcome the innovation and were out to torpedo it by getting him suspended on trumped-up charges. Although most of the charges have been dropped he has not

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been reinstated and he still faces some disciplinary actions – though he has been on full pay all along. As long as policing is defensive of social liberty then it is only reactively coercive and quite liberal.

Representation, Liberty and Politics.

Babes In Arms, the editorial in *The Times*, (p15), 1 August 2000, forecasts a drop in women members of parliament following the next election. If this occurs, it will be the first fall in twenty years. At 122 MPs, women are 18.4% of the House of Commons. The editorial says that this does not reflect well on Britain. China, Laos, Mozambique and South Africa all have a higher proportion of women in their ruling chamber. Sweden has 43%, while Norway, the Netherlands, and Finland all have 36%. Germany has 31%. The editorial disagrees with the outgoing speaker of the House of Commons that the times the House meets do not need to be reformed to suit women. It thinks it is worthwhile to reform the House to achieve what it calls “greater representation”.

But in what sense is representation being thought of here? Burke’s idea was that, by the division of labour, the MP is an expert and should serve the public by offering his opinion rather than by conforming to what those he governs might think. This contrasted sharply with the common idea of the eighteenth century of delegative democracy which held that MPs ought to conform to what the electorate thinks. Paine championed this meme against Burke, but the originality lay in Burke rejecting it as inept more than twenty years earlier. Paine’s was one of fifty-four replies to *Reflections On the Revolution in France* (1790) by Burke, the leader of Whig or liberal thought up till that time. Of late it has been said that Dick West has revived delegative democracy by following opinion polls during the Clinton administration in the USA, and Philip

Gould thinks that Blair ought to do the same in the UK. However, neither of those rival memes of democracy is going to achieve equality, nor are they as free as their adherents tend to think.

The basic idea of free government is oxymoronic. To be governed is to be proactively coerced into doing what we do not choose to do. This does not mean that all governments are the same, but it is clear enough that to be governed at all means that social liberty will be scotched *ipso facto*. Before coming back to discuss this meme – the myth of democracy – we will take a detour on liberty or freedom.

It is not only that the state is defensive or reactively coercive in defence of social liberty, it also governs. To govern is to be proactive. The state does control the monopoly of the law and the policing services that will be needed for the defensive roles against those who are inclined towards victimising others. Here we should bear in mind the distinction that Libertarian Alliance member Jan Lester and I worked out on the LA discussion group in May/June 2000. Social liberty is between people rather than of the person. It is not just bodily or personal liberty. I wanted to reserve the term liberty for social liberty and freedom for what Jan called bodily liberty, or licence. I was attempting to get away from Hobbes and current common sense on this, that holds that one man’s liberty can be at the expense of another’s. For clearly, if one man initiates wanton violence against another, overall liberty no longer exists between them. It is quite clear that in such a case what I call here ‘social liberty’, and what I then called liberty as distinct from mere freedom, is lost. The aim of libertarianism is social liberty. It is not for license or for the complete disregard of others. It is individualism but it is also a social philosophy.. Liberty would be best achieved by a complete respect for others by one and all, but because a

minority will not behave, we have reason enough for a police force to be needed for the defence of social liberty. Police will be needed as long as liberty is under threat from this minority. This can be done liberally by a reactive minimal state, or by the privatisation of the reactive policing and law needed to defend social liberty. A government is not likely to confine itself to the role of a liberal minimal state and this is why anarchists will push on to institutionalise liberty once they get that far. The defence of social liberty may be privatised or depoliticised.

A few romantics have thought that the LA, which is an alliance between minimal statist and anarchists, will split into hostile groups once the minimal state arrives. But the question will arise of whether we do have a state at all when, and if, the minimal state is fully achieved. If it is totally reactive and defensive of social liberty then it might not even tax people but instead call for voluntary contributions. And if it stops taxation then it might not even be a state at all. But this new institution might still run the risk of drifting back into its bad old ways if not solidified by safeguards for the liberal ideal.

In practice, a state is going to be proactively coercive. It is going to tax and to proactively govern. Democracy is about rule. In that it seeks to be the people ruling themselves it appears quite absurd. Even without the logistics of mass populations that the eighteenth century revivers of democracy faced, the very concept of self-government seems to be confused. With large populations, clearly all cannot have a say in what the whole does, for only so many can speak at one time. With a small population of 20 or fewer, people would still find that they have created a body that governs them coercively as a body politic. Their original consent to this coercion will no more maintain their freedom than would a decision to sell themselves into slavery.

You will have to conform to what the majority decides, whether you are in the voting majority or not. I have said above that delegative democracy is absurd and that democracy itself is also absurd in its idea of self-government. To be governed is to be governed by an alien body politic. But delegative democracy is nearer to the ideal of democracy and following the opinion polls in the manner of West and Gould is, to an extent, giving up on government. Burke's representative meme is more like practical politics if a little further from the democratic ideal. It openly endorses government. That gives it coherence. Here we are governed by people who claim to know better than those they rule and politics is seen as part of the division of labour. The political representatives claim superiority rather than equality and this claim seems to be intrinsic to the very idea of government. What makes democracy absurd is that it attempts to gainsay this inequality. But this sort of representation relates not one whit to the modern notion or misunderstanding of "representation", which is an idea that no one seems to have worked out; "as it is obvious". This modern reading of representation is more democratic in that it also tends to deny the superiority of the ruling class. But we cannot have both equality and government. It also clearly involves a regulation of society to fit a reflection of society as a whole. But this amounts to governing. Hence the modern idea is for government by a class of equals. But why then should they have the right to govern us? The idea is absurd and incoherent in that it tries to urge and also basically gainsay the need for government. This is currently held as fair owing only to a misreading of what representation really means in politics.

It haply simply misreads the Burkean jargon. But *The Times* editorial has clearly endorsed this daft idea. "The New Terror" in the *Spectator* (p13f), 29 July reports that the fad of this sort of representation has gone further than

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anywhere else in the UK in the province of Northern Ireland. And many Politically Correct followers of Ken Livingstone in London and similar politicians elsewhere will be keen to regulate all sorts of firms with this representation ideal in view.

“Colin Powell attacks own party on race” reports Toby Harnden in the *Daily Telegraph* (p.1) 2 August. *The Times* of the same day (p15) reports that he gave almost exactly the same speech in 1996 and then received a stony silence in response. This time he was masochistically applauded. It followed this same misreading of political representation in that it was keen on regulating society to see to it that organisations reflected the make-up of the populations. He made an attack on the Republican Party for neglecting the blacks in USA. He noticed that his party had certain members who never can accept measures taken to aid blacks. “Some in our Party miss no opportunity to roundly condemn affirmative action that helped a few black kids to get an education,” said Powell. *The Times* reported that he also said, “The Party of Lincoln has not always carried the mantle of Lincoln”. The *Telegraph* also reported that another black Republican, Ward Connerly, was amongst those Powell was out to attack, for he did not miss this opportunity to attack affirmative action as a corrupt privilege that he held would sap the self esteem of blacks.

Therapy and Religion.

“Counselling is the new religion, warns Archbishop Carey”. Steve Doughty reported this attack on therapy, education and wealth as three forms of idolatry (*Daily Mail*, 2 August p24). This event was widely reported on 1 August on radio and TV where most of each report focused on the therapy idol rather than the other two cited.

Oliver James was bought in to defend therapy and on each occasion he used his stint to attack the inequality that he feels is caused by the market society. He was on the *Moral Maze* to repeat what he said elsewhere on this and to promote his silly book *Britain On The Couch* (1997). James holds that capitalism is to blame as it makes most of us feel we are losers even when we have not done so badly. People tend to go on spending sprees when they feel bad about themselves, and so this is good for business. He favours the Scandinavian democracies that tame the market and ensure more equality. He also favours drugs like Prozac.

In his attack on therapy, Dr Carey held that it could become a false god that masks the reality of evil. It can encourage selfishness. We have become fascinated with the healing of the body and the mind. The unspoken assumption is that if we can keep in tune with our inner selves then all will be well. Dr Carey admitted that Jesus was at one with himself so Christianity is not against therapy on principle. Oliver James also admitted no absolute clash of therapy and religion on his various media appearances.

Steve Doughty gives some quotations from Dr Carey’s speech (p24). Dr Carey says, “Therapy can easily fail to face up to the reality of sin in our lives. And when therapy replaces faith and when therapeutic techniques are seen as the total answer to humanity’s deepest needs and longings, another idolatry is introduced. That idolatry reveals itself when it replaces the gospel by focusing solely on satisfying ‘my happiness, my needs, my desires’.” Many of the clergy were held to have neglected parts of basic Christianity in the attempt to appease their congregations and make them feel better. He is accusing them of corruption: “Listen to many sermons today and this therapeutic approach is uppermost. Missing is the appeal to a

holy God and His call to us to turn to Him in repentance and faith. Missing also is a true appreciation of the depth and reality of sin and our – and the world’s – need for salvation.” He went on to say that education could also be a false god: “When education is seen as the answer to mankind’s problems, then serious troubles begin. Why is it that, in spite of universal education in First World countries, there is such crime, vandalism and breakdown of family life? Why is it that many terrible atrocities have occurred in advanced societies? In my country my church was investing in education long before the state took an interest” (p24). He went on to say that the church was against the New Age cults.

Dr Carey might not want to face up to the fact that all gods are false. Evil is not so much a reality as an ignorance or absence of knowledge of the good, as Augustine pointed out. But sin is quite absurd. On the one hand, there is no God to disobey, and on the other we could not do what we ourselves held to be wrong (as Plato explained). Jesus, of course, never existed--as G.A. Wells makes clear enough in his many books, e.g. *The Jesus Myth* (1998). Faith fails, as we will not let things go unchecked in the way it assumes that we have to. Our five senses reassess all around us and we cognitively revise all we behold, even if we fail to amend what we think. Salvation from the fact of death is sadly a complete delusion.

It is true that the vicars have let slip the unpopular aspects of the creed. Most people today think that Christianity adheres to bourgeois or middle class values when in reality it was originally otherworldly and indifferent to ordinary morals. It repudiated the world on the meme that the end was nigh. The modern vicars are more in the grip of sociology than psychotherapy though, and Political Correctness is a far greater rival to religion than therapy is – both

within and without the church. But then this Archbishop and his forerunner were themselves in the grip of this PC idol, especially in its meme of equality, as their support of female clergy shows. It has certainly been against the Christian creed for the last two thousand years to have female clergy, and that is why they did not exist till lately.

Carey raises some *prima facie* criticisms of education as a solution to modern problems but they are not adequate. It is true that the problem of rising crime is one of mass urban society. As Ferdinand Tonnies rightly held in his *Community and Association* (1887), the movement from the villages to the towns brought about a society of strangers that could no longer police itself. The task of policing society became a job for the division of labour but it remained one that only existed because of a corrupt few who would lower themselves to crime. The corrupt seem to be due to remain with us for a long time yet, though if we were all properly brought up, they would soon cease to exist. Such civilising trends are possible.

From 1800 to 1850 in Britain, a society emerged that no longer bore arms. At the same time, the first police forces also emerged in Britain, unarmed or only lightly armed. It has been claimed that Methodism had a part in that civilising result. I would not deny it, though it was also a time when lots of liberal propaganda was being produced. But there still remained the corrupt minority of criminals and so the certain need for a police force to defend social liberty. With the shake up of society in the Second World War and a particularly naïve and ignorant generation that built up the welfare state in the wake of the war, the public had set themselves on the moral decline that Dr Carey sees has resulted in the rise of crime and the breakdown of the family today. While the study of economics is value free, the actual market society teaches us values

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that tend to civilise us, like the honesty, independence and trustworthiness that we need in most jobs. So the market itself is not value free. It helps us to make realistic choices that will help to build up our character.

The welfare state since 1945 has undermined this civilising factor, allowing some of us to make choices at the expense of others, choices which have not truly been viable without state aid. If we had to face the full price of what we did ourselves then we may have acted more realistically. The state has also encouraged more children to think that they do have a right to what they want at others' expense, and this has led more of them into crime. If they do not have something they want when they want it, they feel deprived and this justifies them to help themselves in criminal abuse of others. The state, by always being there to back us up, has allowed some of us to choose divorce or an irresponsible marriage, and has therefore been the chief enemy of the family since 1945 – and its only real enemy. The family has ceased to be an economic unit, and to that extent it has died. But the due decay of state welfare will revive it. The universal education that Dr Carey cites is very poor and haply inferior to that which those who left school at 14 got at work in the inter-war years. I did say above that the post-war generation was a particularly ignorant generation, but I meant in economics not in good manners or in social responsibility. I freely admit that they had better manners by far than members of my own generation who are amongst their children. Education in the sense of knowing more is not something that we can have too much of, but the rise of vandalism has gone along with a controversy over a decline of standards in education and a general dumbing-down of all subjects. Maybe the church should not have let the state get hold of education.

What the archbishop's case against wealth was did not appear in the papers or on the media but it is not likely to be sound. What is the true value of therapy? I think the Stoics got it right and their insights are largely incorporated into the modern therapy paradigm of Albert Ellis, which has recently been advocated in *Three Minute Therapy* (1997) by LA member D.R. Steele and M.R. Edelstein. The Sheldon Press in the UK put forward titles like *Jealousy* (1986) by Dr Paul Hauck, (amongst some ten others by that author) and he also puts forward *Rational Emotive Behaviour Therapy*, the name Albert Ellis calls his therapy. It urges the use of reason, which is intrinsically free of all authority. It is not the grand solution to all problems but it deals openly and freely with personal problems and it is often surprising what a little clear thought can achieve.

OLD HICKORY

"In a therapeutic society, medical services are free, but people are not; in an open society, people are free but nothing else is."
THOMAS SZASZ