

# Charter House Essays in Political Economy

Politics without Parties

The Minority Principle

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## Introduction

The contents of this document were originally written in 2005-2006 and made up Chapter 24 of the book *"The Briton's Quest for Freedom ... Our unfinished journey..."* published by HPC in 2007. It is accompanied by another document entitled, *"A proposition on how to perfect our democracy"* which sets out the environment within which the Minority Principle can be applied.

The sections of the book covered by these documents follow a review of the problems arising with the application of the majority principle. This ends up with a small powerful faction with an inexpressive voting power, in terms of their number, capturing the control of political party agendas. In other words, the so-called majority principle results in power ending up in the hands of a minority.

In this same review *The Briton's Quest for Freedom* identifies some 49 procedures commonly supported by political parties which constrain the freedom of expression of the majority.

The notion of democracy based on the will of the majority is an unrealistic notion since in reality each constituent is a member of a minority in terms of shared interests related to upbringing, education, interests, income status, religion, gender, ethnicity, ambition and outlook. However, the party-political system resorts to dog whistle tactics to gather marginal votes as a way to accumulate enough to gain parliamentary majorities. In governance the election promises are seldom delivered with voting being cynically used to legitimize the government party. Once in government, the election promises are often not delivered and frequently other decisions are taken in terms of policy which the electorate is never provided with the opportunity to pass an opinion.

The minority principle is designed to raise the level of perception and understanding of constituent wishes by requiring administrations central or devolved:

- Making people aware of impending decision that can affect them
- Providing people with the opportunity to express opinions of all decisions that can affect them and include in some cases power of veto
- Introducing cautionary diligence on the part of administrations to apply the minority principles in decisions

For most people accustomed to the first-past-the post electoral system there is a considerable level of cynicism associated with more participatory decision making which the minority principle encouraged. The notion is that to take decisions there is a need to effectively marginalize a considerable proportion of the electorate. However, another document *"Knowledge and preferences"*, a reprint of Chapter 23 of *The Briton's Quest for Freedom*, provides an explanation as to how close to unanimous decisions can be reached even in cases which start out with constituents holding diverse opinions.

There has been, for some time, a constitutional issue related to the role of political parties in not permitting a truly participatory democracy in terms of the identification of gaps and needs, identifying economic policy options and then analyzing these so as to select the most appropriate in terms of the majority and on the basis of public choice.

The minority principle is a constitutional condition which can assist the country move towards a set of administrative procedures that can facilitate effective public choice based on participatory identification and formulation of policies.

Given that our current regime of the majority principle some might find what follows is fanciful but the final parts which write out the specific operational principles as they might appear in a

constitution, in order to make the intent clear. Whether or not these are practical depends upon the administrative level at which these are applied as explained in the document, "*A proposition on how to perfect our democracy*"

## The Minority Principle

### *Completing the journey towards freedom*

In seeking to advance the perfection of our democracy to something worthy of the name and to achieve a system which is permanently inclined to defend individual freedom it is necessary to identify what can help each individual realize their preferences. This can then provide the basis for identifying a constitutional principle, or principles, to be upheld in the processes of legislation, application of the law and at appeal.

### *Individuality of people*

None of us is identical from the standpoint of our genetic makeup, our personal interests, capabilities or experience in life. Accordingly, we cannot use statistics as a convenient basis for summarizing what each person represents or what is important to them. Indeed, the habits of presumption and of assumption practiced by most people relate to the often simplistic way in which people, even on the basis of a single glance, may prejudge another in one way or another. Certainly, experience might bring a person to associate the way a person acts with other characteristics of which a person might approve, be neutral about or disapprove. Such an association will have been developed on the basis of past encounters with different people where such associations were apparent. As a result of this experience it is natural to build up a picture of associations and therefore become increasingly prone to generalize about "certain types of individual".

But we all know from family experience that neither the identification of the family or a person within it can provide a whole picture of either the family or the individual.

We are each defined, not by a statistical average and where we fit on a two-dimensional population curve, but rather by a unique locational-state (97), that is a personal history traced through time and place representing all of the conditions (states), which prevailed at the time we were at any specific location. This locational-state traces out the history of our individual lives. The human and environmental conditions we experience at any specific time and location represent a complex combination of phenomena, which we internalise as our unique personal experience. No one else really knows what this experience has been or what in that experience has contributed to the shaping of our outlook and opinions. Much of this is subliminal, unconscious experience and some is at the conscious level. We each have only a notion of what experience others have had and what they have drawn from this to shape their current outlooks. As Charles Dickens (98) observed in his work "A Tale of two Cities":

"A wonderful fact to reflect upon, that every human creature is constituted to be that profound secret and mystery to every other."

The point is that we are all individuals.

### *Universality of freedom*

When it comes to the principle of individual freedom any generalizations about types of people have no particular relevance. To sustain a general condition of individual freedom it is only necessary to promote individual freedom of each person whilst ensuring that no other person senses that they are being subjected to impositions restricting their freedom.

So, unlike the very complex individuality of each person, the concept of personal freedom is simply the combination of that individuality with a universally definable condition (freedom) helping each to sustain, cultivate and develop that individuality.

#### *Individual & common expectations*

It is well established that most individuals have expectations of the way people should interact largely based upon early family cultural experience and subsequent experience of life. Natural limits on personal objectives and capabilities, which will differ according to the individual, are recognized. Although each individual has unique aspirations and practical objectives, there remain similar shared expectations considered to represent normal behaviour. As observed in Chapter 2, this remains an invisible code, deeply ingrained in the soul of each person; unwritten yet understood by all.

#### *Reciprocity, a social function enhancing the significance of all individuals*

Those who desire that their expectations should be upheld and indeed defended by others need to uphold a form of behaviour consistent with this principle. This involves assisting others, when necessary, to achieve their expectations. Such reciprocity constitutes a vital basis for action, which preferably operates on an entirely spontaneous and voluntary basis, appointing to each a unique value and individual significance.

For this state to be sustained it is likely that, from time to time, one will assist in upholding the conditions of freedom of another whom one does not know or even someone of whom one does not approve for some reason. This form of disciplined reciprocity has a fundamental importance to the stability and sustainability of the general condition of freedom throughout society.

Under such circumstances each person becomes an element in the support of, as well as a guardianship of, a general state of freedom. The community conscience upholds this individual-centric mode of behaviour, which is based upon a minority, as opposed to a majority, principle.

#### *Trust and security*

Upholding the individual significance of each person through reciprocity helps provide a general level of expectation of support, and subsequently, of trust. Emanating from this state is a general sense of social security.

Trust and security cannot come from the imposition of an order or regulation supported by the majority, even if this could be identified, but can only be developed through a mosaic of acts of reciprocity carried out on an individual basis through social interaction. Thus generalized trust and security are not matters established through some strong central direction imposing an adherence to a set of values perceived by some to be valid. Generalized trust and security are less concepts or the content of legislative documents, but are in fact the fundamental conditions of everyday life sustained through the direct interaction of free individuals.

#### *The Golden Rule & reciprocity*

What is described above is a more elaborate explanation of what is known as the Golden Rule of treating others as one would wish to be treated, based upon reciprocity. This features as a commonly accepted basis for human conduct in all of the world's religions including agnostic

and humanist movements (99). It would seem, therefore, to be an approach of universal appeal as a basis for harmonious relations and peaceful co-existence.

In general, the expressions concerning the Golden Rule are, however, short and unstructured, they reflect a notion of beneficial intent as a basis for guiding human interaction and relationships. Such a notion opens up a vast array of possible interpretations on its application in any particular circumstance. What people consider acceptable treatment varies between individuals so without knowing the preferences of the other, one risks imposing one's own preferences. Where groups are involved without knowing, first of all, people's preferences, it is possible to impose conditions "for their perceived good" which are unwelcome or even considered to be harmful by the recipients.

This principle can only succeed if it is accompanied by a specific orientation towards individual preferences through an appropriate range of considerations designed to determine each individual's preferences so as to ensure actions are welcomed and beneficial.

### *The minority principle*

By creating a constitutional principle placing the individual at the centre of concern and orientation the focus is at the lowest possible level of minority consideration; this is the minority principle. The minority principle, centred on the single person, is the opposite of the majority principle. As a constitutional principle the minority principle should ensure that due consideration for others is upheld in the activities of the general election, of legislation, the application of the law and in appeals. Thus all other actions, social behaviour, group action and legislation can then be judged from the standpoint of the degree to which they uphold the minority principle and reflect individual preferences.

The minority principle can be described as a set of inalienable considerations to be afforded to each person. Thus, each person should be provided with the opportunity to make his or her feelings and preferences known. It is incumbent upon others to receive and consider these in a sympathetic and reflective mode. All should take into account the wishes of others especially before taking any action which could, or will, affect them. If an action is likely to affect others then those who might be affected should be informed. This will provide them with the opportunity to accept or reject that any such action should proceed. In the same vein, all individuals should be free to refuse to be subjected to requirements arising from any proposition to be imposed by others and having been subject to their separate open, or secret deliberations. All individuals should be free to refuse to be subjected to requirements of any state imposed by others having been subject to their separate open, or secret, agreement and advanced as a *fait accompli*.

The reader might note that this general description of the minority principle is an formalization embodying the definition of individual freedom set out at the beginning of this book.

The minority principle thereby upholds the right of all to equal consideration but additionally it defends individuals from prejudice and discrimination. Thus, decisions taken in Parliament, by implementing agencies and in courts of law for example, and which are discriminatory, are those which directly affect someone but which were implemented without taking into account the preferences of that person or without their prior knowledge. Any decision and action, which has not taken account the individual preferences of anyone affected by decisions, constitutes an act of discrimination at two levels. One is the decision makers have not bothered to find out what the real preferences of all are and in a modern society all, the electorate, is clearly identifiable. Second is that the action contravenes the personal preferences of a group and have therefore created a state of discrimination and, therefore, possibly prejudice.

### *Formalized content*

In order to apply the minority principle constitutionally it is necessary to substitute the imposition of "equal treatment" by the condition of equal consideration of, and the unimpeded opportunity of, each to express their preferences and thereby receive appropriate responses.

### *Principles, degrees of freedom & action*

The term "principle" is employed in the context of constitutional discussion to signify a guide to action. Principles are generic in the sense that they can be applied to a range of situations. They are used to avoid having to fill legislative documents with detailed explanations of how they should be applied to every imaginable situation. Experience shows that trying to legislate even at a general level ends up with unexpected effects as well as misapplications of the law. On the other hand, the applications of principles rely upon the good sense of people by providing a degree of freedom in interpretation as to how they are applied. Where doubts arise the issue would normally be resolved by a judge and sometimes trial by jury and according to the law.

### *Guidelines on issues of known past abuse*

There are situations, however, where providing too much discretion on the application of a principle exposes it to intentionally perverse interpretations including the presumption that a certain principle does not apply in a specific circumstance. A common tactic to avoid applying a principle to a specific situation is to refer to legislation and state that since the law does not refer, it is "silent", to the situation under consideration, then the principle does not apply. This can be used as a basis to deny justice. Therefore, in those areas where abuse is known to have occurred in the past, indeed, which might be one of the reasons for introducing a principle, there is a need to spell out application guidelines for those areas.

### *Vigilance*

There are individuals in all organizations such as political parties, central and local government and other agencies, who abuse their discretion by resisting controls on their desire and ability to impose their personal preferences on others. Such abuse of authority occurs in the form of prejudicial prevarication and prejudicial enforcements. Such perpetrators have developed bad, anti-social and unchecked habits. It is always wise to remain vigilant in those specific areas where such past abuse has been commonplace. Vigilance should not be applied just to checking to see if the past forms of abuse continue. When certain people in authority have succeeded in acting above the law in the past such mentalities prevail. In spite of what is written into law such people are likely to think up alternative and sometimes more imaginative abuses of authority, or breaches of the law, to continue to get their way; these need to be detected.

### *Guidelines for the tribunals*

In constitution, interpretation is all. Therefore, it is essential for those who are required to apply the minority principle, that is community representatives in Parliament, the government executive and the judiciary, have written guidelines on the intent and basis for application of the minority principle as a constitutional component. These need to be as unambiguous as possible. The minority principle guidelines are listed below and they are written more in the style of existing and enforceable set of guidelines as opposed to a conditional proposition suggesting what might or might not be considered to be beneficial.

Readers may note that these guidelines are designed to rid the British political scene of the more than 49 offensive procedures and actions which commonly constrain the freedom by

preventing the due consideration of individual preferences and which were identified and analysed in the chapters of this book covering the Majority Principle, chapters 7 through 11.

### *The Minority Principle*

#### *Primary Provisions 1 through 15*

Provisions 5 through 8 appear to be very similar but they are distinct, for further information see note 100. Provision 10 (secularity & comity) is explained further in note 101.

#### *The satisfaction of the expectation of being heard*

1. Each person should be provided with the opportunity to make personal feelings and preferences known.

#### *The satisfaction of a good understanding of preferences*

2. It is incumbent on others to receive these in a sympathetic and reflective mode; this means effort has to be made to ensure the individual preferences are fully understood.

#### *The voluntary accounting of the preferences of others*

3. Each person should reflect upon the wishes of others and where possible build these into the shaping of actions before deciding to take any action which could, or will, affect them.

#### *The voluntary practical regard of the preferences of others*

4. No action should be taken that imposes on others any condition, which does not align itself with the expressed preference of any person.

#### *The voluntary advice of intent & request for opinion (100)*

5. People should be informed if an action is likely to affect them so that they are provided with the opportunity to accept or reject that any decision be taken for such an action to proceed in its proposed form.

#### *Right to veto intended action impositions (100)*

6. All individuals should be free to communicate their acceptance or rejection of any proposition which can affect them and of which they are aware but where the proponents have failed to inform them.

#### *Right to refuse impositions arising from intended actions (100)*

7. All individuals remain free from any obligations which are not in line with their preferences and which arise from an intended action to be implemented by others having been subject to their separate and secret agreement and to be advanced as a fait accompli.

#### *Right to refuse impositions arising from implemented actions (100)*

8. All individuals remain free from any obligations that are not in line with their preferences and which arise from an imposition implemented by others having been subject to their separate and secret, agreement and advanced as a fait accompli.



### *Obligation to sustain information integrity*

9. The information used to communicate intended actions must reflect the full objective, the expected outcomes, the options considered, justification for the selected solution, the current nature, costs, scope and extent and other implications of the action.

### *Right to explanation, secularity & comity issue (101)*

10. No declarative or faith-based content can be used to justify any decisions but all decisions should be evidence-based or logical deductions arising from previously presented and referenced evidence-based argument.

### *Obligation to sustain the coherence of information & implemented actions*

11. A planned action cannot be changed in any way between the time of acceptance of its application and actual implementation. If anything is changed this change must be communicated to all decision-makers and all affected parties who are required to provide their acceptance or rejection.

### *Obligation to sustain the coherence of expression of individual preferences by agents and representatives*

12. It is an offence for an agent or an elected representative to change, or ignore, on a selective basis, the sense and scope of the expressed preferences of those represented.

### *Speedy resolution of complaints*

13. Complaints concerning harm from impositions of any sort must be resolved quickly.

13.1 Representatives must respond to and resolve complaints by those represented quickly.

13.2 Courts and appeals tribunals must respond to and resolve complaints of significance to individuals or communities quickly.

### *Failure of speedy resolutions & settlements - justice delayed is justice denied.*

### *Impositions - Prejudicial prevarication (42)*

14. No representative, public official, agent, legal counsel can introduce arbitrary delays into any process through partial or slow response to questions and communications or by withholding information. Such prejudicial prevarication will be regarded as a form of extra-judicial punishment inflicted on the complainant.

In a similar vein no public body or agency can delay implementing legal provisions under the law by introducing arbitrary delays into any required process.

Where this has specific impacts on any members of the public, such prejudicial prevarication will be regarded as a form of extra-judicial punishment inflicted on sections of the community.

In all cases, prejudicial prevarication should be classed as an illegal and criminal act carrying sanctions, including removal of those guilty from office, and payment of realistic compensation to those affected.

It is the duty of law courts and appeal forums to respond, as servants of the people, directly to the needs of complainants in a timely fashion to protect them from any forms of prejudicial prevarication.

If the likely compensation estimated on the basis of damage arising from prejudicial prevarication exceeds a specific threshold value, (to be decided) resolution at law will involve a jury.

#### *Impositions - Prejudicial enforcements (45)*

15. Everyone is to be protected from prejudicial enforcements constituting extra-judicial punishments actionable under some statutes. Before any enforcement can proceed, the full cost of the enforcement must be pre-determined by the local government or agency responsible. This estimate must include any subsequent claims which could be made against those affected as a basis for reclaiming the costs of enforcement. This includes the possibility of enforced confiscation of property and other charges against those whom the enforcement is to be made. This estimate must be issued the responsible agency to the person or persons against whom enforcement is to be made.

If the amount involved exceeds a minimum legal sum (to be determined) then this must be reviewed at law and involve a jury. The jury in this case would be required to decide on optional resolutions as well as a whether or not the enforcement should proceed.

In all cases, prejudicial enforcement should be classed as an illegal and criminal act carrying sanctions, including removal of those guilty from office, and payment of realistic compensation to those affected.

#### *Secondary Provisions 16 through 20*

In order to support the unimpeded operation of the items 1 through 15 it is necessary to ensure personal identification and responsibility of all decision-makers. It is also necessary to create an environment within which there is a liberation of and a free and full access to all relevant information. All communications must be safeguarded from corruption or distortion of content concerning action objectives and the people's expressed preferences concerning decisions related to any actions.

#### *Banning of closed collective positions in government*

16. The government executive in the form of the Prime Minister and cabinet cannot make use of legal persons or collective legal bodies to represent a position of governance. At all times collective positions must be expressed in terms of a balance of the opinion presented as the records of the expressed opinions of identified ministers and other individuals. Cabinet government as a closed collective is banned. Cabinet as an open and transparent assembly can remain.

#### *Banning of secrecy on all legislative information*

17. No secrecy can be applied to information used in the deliberations or exchanges and expressed positions of individual representatives, ministers and the Prime Minister at any level of operations. All such information, except for national security issues, must be made immediately available to the public.

#### *Obligation to refuse consideration of preferences of legal persons, organizations and factions*

18. It is a criminal offence, on par with fraud, for an elected representative of a constituency to follow the instructions or preferences of legal persons, organizations and factions.

#### *Whips & lobby activity, illegal*

19. It is a criminal offence, on par with fraud, for political parties, legal persons, organizations, agents and factions to seek to influence the view of any Parliamentary representative. This can include seeking to influence the representative's voting intentions in Parliament or the content and form of his or her communications.

Accordingly, the whip is banned.

#### *Contributions & support, illegal*

20. It is an offence for legal persons, organizations and factions to provide any form of contribution and support to any Parliamentary representative or their agents, consisting of assets or money or any contributions in kind.

#### *Applying the minority principle - some examples*

The more detailed description of the application of the minority principle is provided in the following chapters, but as an indication of its effects a couple of examples are provided here.

##### *No more pre-decisions*

The general election condition of having the electorate vote on the basis of pre-decisions becomes redundant. This is because any substantive change in the content of an intended action, for example a policy and its legislation, requires the agreement of all individuals, that is the electorate.

This means representatives in Parliament will not follow whip or any other arbitrary orientations, since such actions under the minority principle provisions, are banned. Representatives must seek to assess the real preferences of the constituency according to each proposition and final legislation before he or she can vote on the legislation.

##### *No more legislative impositions on the majority*

Under the operation of the minority principle it would not be possible to introduce any legislation and simply whip this through Parliament and thereby impose party dogma on the majority of the electorate. This is because the whip function is banned under the minority principle and all decisions require approval of the people through free voting representatives in Parliament.

#### *Parliament supreme*

These two examples illustrate that one intended effect of the minority principle is that elected representatives can only represent their constituencies, unencumbered by conflicts of interest. As a result, the Unitary principle (28), that is the supremacy of a Parliament reflecting the will of the people, is finally established.

#### *Shift from emphasis on majority to minority interests*

The minority principle rejects the notion that a rational decision can be taken on the basis of the majority principle where decisions can vary from being somewhat irritating to one which is threatening, frightening or malevolent. The minority principle substitutes the current reference to majority to reorientate the focus towards upholding individual freedom and preferences. Being applied to all tribunals, this ensures a higher level of consistency, compatibility and coherence between their contributions to the defence of individual freedom in the tribunal of life.

#### *Extension of the minority principle*

This book limits the consideration of the minority principle to its application to general elections, Parliamentary and House of Lords legislation and juries. The minority principle has a range of implications for a wide range of possible domains of application and consideration.

These issues are the subject of additional work on the "The Minority Principle".

#### NOTES – as presented in original text of *The Briton's Quest for Freedom*

28- ref: **Unitary principle**. The Unitary principle can be summarized as the concept of a supreme Parliament with the exclusive right to legislate, power to control the executive and with the judiciary applying the resulting laws. See: "*Administrative Law*", P. P. Craig, Sweet & Maxwell, 3rd Edition, 1994.

42 - ex: **Prejudicial prevarication.** Prejudicial prevarication is a term coined by H. W. McNeill as a result of work in the late 1990s with the Audit Commission on Multinational Financial Organizations (ACMFO). This work involved the provision of voluntary counsel to officials in international organizations, including whistleblowers, who needed to attend administrative tribunals. One of the most common tactics used by administrators was to ignore requests and important questions and even at review committees and administrative tribunals to ignore the most pertinent questions and the strongest evidence presented by complainants. On the other hand, they would specifically address the most irrelevant points at considerable length. This had a psychological effect of often convincing the complainants and their representatives that they were failing to present their case in an effective fashion. Invariably cases were in fact very well presented but such actions, effected with the straightest of faces, were intentionally designed to prevent the complainant achieving a just settlement solely on the basis of stonewalling and prevarication. A tactic, combined with prejudicial prevarication, which is commonly used by institutional management is to "throw the institutional rule book" at a completely innocent complainant in the off chance that some previously undetected procedural matter may have been overlooked. This tactic is designed to throw as much mud as possible in the hope that something might stick or, at least, seem to stick. It is a way in which the accused, a corrupt manager or institution, can turn the procedures around to transform the innocent complainant into the accused. In addition, in defending their positions, managers are not above making use of forged evidence such as back dated communications to which the complainant "never replied". Because administrative tribunals are not subject to external judicial oversight much of which constitutes criminal activities go undetected and hidden from public view by senior management within large organizations.

One of the most significant class-related acts of prejudicial prevarication in the United Kingdom was the failure of local authorities to apply the law following the 1968 Caravan Act. According to the documents, placed in the National Archives, campaign groups urged officials to force councils to provide sufficient "pitches" or to support willing private landlords as soon as the legislation became law in 1970 so as to bring to an end and avoid hugely expensive disputes. However, unbeknown to the campaigners and those for whom the Caravan Act had been designed to serve, several local councils were also pressing Whitehall to do the opposite. This failure to provide such facilities over a 30 years period was associated with a withdrawal of common land facilities and the fencing off of roadside sites often used by Romany. In several cases local authorities actually closed existing sites. Romany and Travellers used to undertake their traditional agricultural and forestry work in different parts of the country. In order to undertake this work on a seasonal basis in different and sometimes remote areas it was essential to have one's own means of travel and a place to live. Thus the caravan did not only reflect a traditional way of living it also represented an essential component for economic survival. This was also the means of seasonal travel used by Romany who made a living by selling services, making and selling artifacts.

Those who try and carry on the work traditions of generations, their preference for lifestyle, now risk a state of illegality because of the lack of site provisions. A direct outcome of this failure to uphold the individual freedom of these people with distinct cultural practices has forced many wishing to continue their traditional way of life, into a state of illegality with increasing incidents of conflict with private land owners and communities. Such incidents have increased invariably associated with biased negative media coverage which usually fails to explain that local government and central government have been the cause of this crisis.

Whilst the mainstream per capita incomes continued to rise the per capita incomes of this minority fell and many were forced into a status of unemployment as a direct outcome of local and central government action. This outcome, the incidents and the negative, in cases extreme media coverage, has contributed to discriminatory social attitudes with respect to the Romany and Travellers. This is the direct outcome of an institutional discrimination operated through government and agencies delaying or not even acting on their mandates. This prejudicial prevarication ended up as an extreme form of extra-judicial, and therefore illegal, punishment targeting British subjects on account of their ethnicity and lifestyle.

This constitutes the basis for a class action against British local councils.

Observations from Liberty (formerly the National Council for Civil Liberties), wa:

"In theory, requiring Gypsies and Travellers to use the planning system would seem an equitable approach but for this policy to be credible there has to be some real prospect of obtaining planning consent for private sites. The House of Lords cast doubt on the effectiveness of this policy in *South Bucks v Porter*, *Wrexham CBC v Berry*, and *Chichester DC v Keet and Searle*. The judges observed that Gypsies' and Travellers' attempts to obtain planning permission almost always met with failure: statistics given to the court found that 90 percent of applications made by Gypsies and Travellers had been refused and that the capacity of sites that had been authorized had fallen far short of what was needed."

"Circular 1/94 suggests that local planning authorities should assess the need for Gypsies' and Travellers' caravan sites in their administrative areas and identify locations where the land use requirements of Gypsies and Travellers can be met. If suitable locations cannot be found, then the local authority should set clear and realistic criteria for establishing caravan sites. However, the use of development policies has been ineffective in providing more Gypsies' and Travellers' caravan sites because very few local authorities have identified suitable locations for such sites and many of those that have adopted criteria-based policies rely upon unrealistic and unclear criteria. For example, some local authorities' policies exclude the creation of sites in the Green Belt when most of the available land in their area is Green Belt."

"Recently, the House of Commons' Select Committee on the Housing Bill 2004 recommended to the government that only the re-introduction of the statutory duty on local authorities to provide authorised camping sites would remedy the situation."

45 - ref: **Prejudicial enforcements:** Prejudicial enforcements is a term coined by H. W. McNeill in his capacity as Secretary General of the European Committee on Romani Emancipation (ECRE) and a member of the UK Committee on Romani Emancipation (BCRE) in specific relation to the abuse of Article 178 of the Town & Country Planning Act (see above) under which councils can organize evictions without using competitive tenders so that quite often fees charged can be exorbitant. In 1994 a Conservative government repealed the provisions Caravan Act of 1968 and introduced guidelines encouraging members of the Romany and Traveller communities to purchase their own land. However, this ended up as a trap for many. Without having broken any law many families were faced with a discriminatory rate of planning application refusal, up to ten times the rate of normal applications. In most cases local councils did not provide guidance as to how to satisfy requirements but used Article 178 to organize elaborate and excessively expensive evictions employing private security firms. This resulted in land being confiscated "to pay for the eviction and costs" and the families concerned losing all of their assets and their children being disinherited.

This constitutes a basis for a class action against British local councils on the part of all families affected in this way.

97 - ex & ref: **Locational-State Method.** "*Locational-State*", McNeill, H.W., ITTTF, Brussels, 1984. The Locational-State Method was developed in 1983 by the author as a basis for measuring and representing specifics as opposed to the measuring and representing generalities, as in statistics. This was developed as a tool for decision analysis, similar to the method of dimensions, to be used to determine the specifications of critical information requirements concerning any particular phenomenon of interest to be used in decision analysis. When applied to the human condition, that is the individual, it becomes a useful basis for recording all of the influences (states) on a person through time (chronological) and space (location). The outcome of the interaction of a person's genotype (genetic makeup) and the environment (including life style, diet, exposure to knowledge and experience in general) is what is known as the phenotypic expression of the genotype, or phenotype. Locational-State Theory provides a useful basis for describing the evolution of a person reflecting past experience. This is not limited to physical survival based on access to food and avoidance of danger but also to the competence of each person which has been shaped by experience and expressed in what each individual has learned or deduced from that experience and to what degree they can apply that knowledge to their own benefit as well as to others. One only has to observe the changing environment of any individual both within their original family environment and beyond the family to acknowledge that each person is truly unique in their experience and phenotypic expression.

This is why the temptation to generalize about people is irrational. Although political correctness expresses the advantages of diversity, the orientation of politics does not reflect a sufficient understanding of the nature and profound significance of this phenomenon. This is a root cause of suppression of individual freedom and expression.

99 - ex: **The Golden Rule.** Golden rule of inter-personal reciprocity is expressed in many different ways in most religions including, Jewish, Christian, Islamic, Hindu, Sikh, Buddhist, Confucian as well as humanist teaching. In broad political terms it carries the message of non-imposition based upon free inter-personal as opposed to normalised and majority-based reciprocity.

100 - ex: **Non-imposition of decisions.**

**Provision 5.** The voluntary advice of intent & request for opinion is the normal situation where people would be informed of an impending decision so as to enable rejection.

**Provisions 6.** Signifies that anyone who has become aware of the planning of something which will affect them has the full right to comment either way and those who are planning have no right to object unless the action cannot affect the person concerned.

**Provision 7.** Signifies that no one planning a decision and action can use the withholding of information from affected parties as a device to legitimize a decision or claim that interested parties did not express their views.

**Provision 8.** Signifies that even after a decision has been taken, its application, and therefore legitimacy, remains dependent on the views of those affected.

101 - ex: **Right to explanation, secularity & comity issue.** This essentially means that using evidence-based argument is required to state why and on what basis faith-based issues are being considered. Thus, the simple argument of the right to freedom of expression in the form of

religion is sufficient to justify religious questions whereas a declaration of religious dogma or belief as the basis for justifying some decision is not acceptable.