obscenity has hitherto been left to the courts to decide, a practice which allows changes in attitudes to be taken into account. Extraordinary though it is, this shift into *a priori* definition of the content of representations to be restricted seems to have gone unnoticed.

NOW THAT THE boundaries of the public domain have been redrawn to include shops and cinemas open only to adults, moves are afoot to regulate the home consumption of sexual material. Travelling through Parliament is the Video Recordings Bill to restrict the availability to children of 'video nasties'. On these grounds the Bill has secured widespread support. However, an amendment which would have brought within the Bill's provisions any 'Restricted 18' videos (i.e. sex films, not necessarily with violence), got considerable support. Both the Prime Minister and the Home Secretary favoured the amendment, eventually rejected, and 'reforms' in the obscene publications law have already been promised. What started as an attempt to improve appearances in some inner city areas shows every sign of shifting into moralist overdrive.

This should be enough to make the most convinced feminist opponent of pornography just a little uneasy. It is difficult to believe that in all this the State has had the interests of women at heart, or that the law – which does little, after all, for victims of rape or domestic violence – can be an effective ally, certainly at the present time, for feminists opposed to pornography.

But it is doubtful in any event whether legal controls could ever meet feminist objections to pornography. Feminism by politicising areas of life hitherto regarded as private or personal effectively undercuts the very distinction between public and private on which any policy of state intervention rests. Feminists argue that the use of pornography (mainly by men) in 'private' has social repercussions because it affects all women. But once the public/private distinction breaks down, the law becomes either all-pervasive in its admissible scope – or irrelevant to the problem. Even as it stands today legislation concerning the portrayal of sexual and sexually violent behaviour arguably constitutes a general threat to civil liberties, then perhaps then the legislative road is better avoided by feminists.

While pornography's critics have always professed a concern for civil liberties some of them have argued that pornography is, in a written or visual form, in a class of its own. Yet images of women in some advertisements, in fashion magazines or in pinup photos, for example, all recirculate ideas about women, femininity and female sexuality which are basically no different from those offered in pornography, and all offer similar gratifications to the spectator. Why single out pornography for censure?

Although feminists may be critical of the notion that pornography is 'different', they do argue that it is harmful. But harm of a similar order may be evident, too, in other representations – the 'social harm' of the limited and repressive portrayals of women, femininity and female sexuality. In no circumstances – even where the State could be regarded as an ally of feminism – would it be desirable to deal with this type of harm by legislation.

Short of resort to law, though, feminist critics have a range of options at their disposal: from direct action and lobbying to broadly based campaigns of consciousness-raising and education. Pornographic materials proliferate because in one way or another they make money. Legal restriction does nothing to alleviate this harm: on the contrary, so long as demand exists, illicit underground trade in porn makes it all the more attractive – and profitable. The State cannot reach those areas which create the demand for pornography in the first place. □

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PLUTONIUM

Extra security

Duncan Campbell describes how civil and military nuclear policy erodes liberty

GOVERNMENT DECISIONS about nuclear matters have invariably been taken in circumstances of great secrecy. Military affairs are naturally often secret and decision-taking unaccountable to the public. But information about nuclear weapons, like secret intelligence, invariably enjoys special levels of security protection.

Nuclear secrecy has to a degree spurred the arms race, since there can be no public debate or policy discussion about the appropriate level of armaments, when no information at all is available to fuel the debate.

Atomic power research and development went hand in hand with atomic weaponry. The UK Atomic Energy Authority (UKAEA), an independent body responsible for both weapons manufacture and the nuclear power programme, was set up in 1954. Although Britain's first commercial power reactors (starting with Calder Hall in 1956) were celebrated as heralding a new age of nuclear power, their purpose was primarily military – producing plutonium for new nuclear weapons.

At first, everyone working in atomic energy for UKAEA was a crown servant, and automatically bound by the Official Secrets Acts. Over 30 years, this authority has been divested of most of its assets, some of which have gone to autonomous organisations like British Nuclear Fuels Limited (BNFL). But employees of these organisations still remain bound by government security regulations and the constraints of the Official Secrets Act.

The penalties for foreign espionage in the Official Secrets Acts automatically apply to anyone, government servant or not, who seeks to help an enemy. But by bringing all non-government nuclear industry employees within the scope of the Acts, employees can be punished by up to two years imprisonment for unauthorised disclosures which do not threaten national security. There are effective restraints on the publication of the results of scientific research – and a prohibition on any comment *at all* on nuclear matters.

Employees of BNFL, for example, are forbidden to travel to Soviet bloc countries, China, and others such as Yugoslavia or Yemen, without special permission. Many BNFL staff are also positively vetted, a procedure generally only applying to those in the civil service with regular access to Top Secret material. Positive vetting consists of a lengthy background check on an individual, and one or more security interviews. In the late 1970s and 1980s, candidates and their referees began again to be asked whether they were or had ever been members of, or associated with members of, CND. This question reappeared in the security investigators' checklists alongside homosexuality (for men) and Welsh and Scots nationalism (for Celts).

In 1976, the Atomic Energy Authority Constabulary, the special police force which guards UKAEA and BNFL nuclear installations, was given the right to carry arms and to engage in hot pursuit of anyone believed to have taken 'nuclear material' – and to arrest them and bring them back to be detained at a nuclear installation.

Given the extreme dangers to public safety of certain types of nuclear material, it is unreasonable to object (having first protested the prior existence of the material) to the principle of special powers and force being lawful in the recovery of such material. What is objectionable is that these powers are exercised not by an orthodox police force – whose accountability to par-

liament and public, if inadequate, is at least clearly understood – but by a *private* police force. Accountability for the actions of the UKAEA Constabulary is remote; it reports to the UKAEA, which in turn comes under the Secretary of State for Energy.

IN 1975, the US government's Nuclear Regulatory Commission examined the dangers to the constitutional rights of Americans posed by an intensified nuclear programme, involving fast breeder reactors and increasing amounts of plutonium in circulation. An NRC consultant, John H. Barton, warned that:

> The possibility of surveillance is probably the most severe civil liberties effect of a plutonium recycle decision. The surveillance would act at all times; it would not be restricted to emergency situations. It could have significant chilling effects on First Amendment discussion, particularly in the nuclear area.

But a year later, the NRC set up its own 'Intelligence Assessment Team', which traded information on protestors' activities between nuclear power companies and intelligence agencies such as the FBI and CIA.

Identical considerations were raised at the same time in Britain by a report on nuclear power from the Royal Commission on Environmental Pollution. Sir Brian (now Lord) Flowers's panel outlined new difficulties and dangers for civil liberties which would result from increasing reliance on nuclear power – and fast breeder reactors in particular. The 'plutonium economy' thereby created raised the possibility of:

> Secret surveillance of members of the public and possibly of employees who may make 'undesirable' contacts. The activities might include the use of informers, infiltrators, wiretapping, checking on bank accounts and the opening of mail.

These 'would be practised on suspected members of extremists or terrorist groups or agents . . . we regard such activities as highly likely and indeed inevitable'. Flowers added, correctly, that he supposed that 'no doubt' these methods were already in use against 'certain small groups that are regarded as dangerous'. So their use in relation to the plutonium threat would be 'nothing new in principle'.

> What is most to be feared is an insidious growth in surveillance in response to a growing threat as the amount of plutonium in existence, and familiarity with its properties grows.

These 'unquantifiable' effects on the shape of future society should, said the Royal Commission, be a 'major consideration' in the future of the reactor programme. But there is little evidence that the government or its nuclear and security agencies have paid heed to these remarks.

THE MOST SEVERE danger of civil nuclear power is if a nuclear weapon were to be fabricated from diverted or stolen fissile material. A terrorist threat to disperse nuclear waste by conventional means would be only slightly less terrifying. And such threats are real; between 1975 and 1983 the US Department of Energy's Nuclear Emergency Search Team decided that 20 threats were sufficiently credible to require emergency action. One threat was found to be real; a former nuclear employee had obtained spent reactor fuel rods, which he had threatened to disperse.

The threat of nuclear terrorism is so great that western governments have spoken openly about a possible need to resort to torture to get information. In the UK, the Royal Commission anticipated, there might have to be:

> Restrictions on the rights of movement and assembly, and the suspension of *habeas corpus* if the threat of plutonium being exploded was serious . . .

If a threat were thought to be credible, the amount of civilian disturbance involved in a major – perhaps nationwide – search, would be considerable. Evacuation would also be required in the event of an accident to a civil power reactor.

The nuclear industry has increasingly sought to 'criminalise' its opponents. A 1978 report by the US Rand Corporation – examining the alleged 'Attributes of potential criminal adversaries of US nuclear programs' – stressed that physical security measures ultimately had their limitations, and that a more extensive nuclear programme would require considerably more 'pre-emptive' intelligence about adversaries, and greater secrecy about plans and procedures.

Right-wing lobbyists in Britain have been ready to brand anti-nuclear protest as serving the interests of the Soviet Union, and see centralised nuclear power as a useful new counter to the traditional bargaining power of trades unions.

THE BOMB ultimately threatens not just individual liberty, but all liberty and all existence. No government is keen for its citizens to contemplate the likely effects of nuclear war, so a vocabulary has been formed for discussion and debate in which all offence is defence, terrorism and genocide are deterrence, and the destruction of a civil population is 'collateral damage'. Nowhere is this attack more evident than in the civilian preparation for nuclear war.

The first, key task in British Home Defence plans (which include civil defence), defined in the Home Office's 1975 circular to local authorities on *Home Defence Planning Assumptions*, is 'to secure the United Kingdom against any internal threat'. Such documents as the Home Office's *Training Manual for Scientific Advisers* speak of the threats to the security of the United Kingdom arising from 'dissident groups . . . [whose] aim would be to weaken the national will and ability to fight'. It identifies the threat as arising from trades unionists and pacifists in particular and explains the need for strong measures against them.

> Certain dissident extremist groups are . . . known to be in sympathy with our potential enemies and . . . can be expected to react against the national good. The groups are small [but] their significance should not be underestimated.

This extract from official planning documents can leave little doubt that in the early stages of an east-west crisis that might lead to nuclear war, protest would be regarded by the British government as akin to treachery. The right to strike, the right to free speech, or the right to say 'no' to war might only be exercised at the gravest risk to life and liberty.

The government knows this, and is – like its NATO partners – prepared to counter civil dissent with military force. NATO's regular top-level war games in the 'Wintex'/'Cimex' (Winter Exercise/Civil-military exercise) series, held every two years, usually include rehearsals for the suppression of civil unrest, strikes and other disruption to military plans.

In the late stages of a pre-war crisis, Britain would be under martial law in all but name. Internment plans have been made to take at least 20,000 political adversaries of the government off the streets. Freedom of movement would be denied, as most major roads would be sealed off as 'Essential Service Routes'. The telephone system would be shut down for non-essential users, and food and fuel supplies put under government control. Under emergency powers, parliament would be suspended, and Regional and Sub-Regional Commissioners appointed as shadow direct rulers of 12 individual regions (including Wales, Northern Ireland and Scotland) after attack.

After a nuclear strike, it goes without saying that there will be neither civilisation nor civil liberty. Democracy and the rule of law will be over for the duration, supplanted for those who do survive by the law of the jungle. There will be death camps for diseased and useless refugees, and ruthless rationing of almost non-existent medical care. Decisions about food supplies and other difficult matters would, say Home Office circulars, be 'harsh and inequitable'. Justice would be an expedient and summary matter with brutal and often capital penalties dispensed without right of appeal or established rules of procedure.

After this, what? According to senior Home Office officials, the government's Regional Commissioners would take over and look forward to 'national regeneration', aiming at creating 'a stable democratic society inevitably reduced substantially in economic and social terms'. Vital aspects of this process would include:

> The formation of a national government and the restoration of democratic procedures and freedoms . . .

But in a wrecked world where the existence of human life itself might lie in the balance for decades, no time limit is proposed for the slow crawl back to pre-holocaust democracy. The very idea, of course, is fatuous. The point is that there must be no war. Our energies and liberties should be devoted to that cause above all others. □

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