



# The individual and society

## Content

### Source A

### What rights do we have as citizens?

Sixteen basic human rights have been incorporated into UK law.

The Human Rights Act 1998 gives legal effect in the UK to certain fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). There are 16 basic rights taken from the ECHR. These rights not only affect matters of life and death, such as freedom from torture and killing, but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements. The rights are:

- Right to life
- Prohibition of torture
- Prohibition of slavery and forced labour
- Right to liberty and security
- Right to a fair trial
- No punishment without law
- Right to respect for private and family life
- Freedom of thought, conscience and religion

- Freedom of expression
- Freedom of assembly and association
- Right to marry
- Prohibition of discrimination
- Protection of property
- Right to education
- Right to free elections
- Abolition of the death penalty

#### Exercising your human rights

If you are in a difficult situation in which you believe that your human rights are being violated, it is always advisable to see if the problem can be resolved without going to court.

However, where this is not possible, under the Human Rights Act, as a victim of an alleged violation, it is for you to bring a case before the appropriate court or tribunal in the UK. The court or tribunal will then consider whether or not your human rights have been violated.

Adapted from [www.direct.gov.uk/en/RightsandResponsibilities/DG\\_4002951](http://www.direct.gov.uk/en/RightsandResponsibilities/DG_4002951) (accessed 17 February 2007)

Source B

What duties does society have a right to expect us to perform?

## Jury service



### Frequently asked questions

- *Why/how have I been picked for jury service?*  
All jurors are selected at random by computer from the electoral register. Everyone on the electoral register from the ages of 18 to 70 may be selected, even if they are not eligible to serve on a jury. Some people never get called, others get called more than once.
- *Do I have to serve?*  
Yes. The Criminal Justice Act 2003 contained provision to ensure that nearly all members of society are eligible for jury service. If you have been summoned for jury service and had that summons confirmed, then you are under a legal obligation to participate in the criminal justice process as a juror.
- *Can someone else take my place?*  
No. A summons is only for the person named on the summons. It cannot be transferred to anyone else. It is an offence for someone to impersonate a juror.
- *What if I don't feel well before I reach the court?*  
Please call the jury manager as soon as possible. In some cases the trial may have to be postponed for a day. Delaying a trial is extremely costly and is not a good use of public money. For this reason it should be avoided if at all possible.
- *Can I be excused from jury service?*  
Anyone may apply for discretionary excusal. They should write the details on their summons reply. A jury officer at the Jury Central Summoning Bureau will make a decision whether that person can be excused based on the details given. If a juror is refused excusal, they have the right of appeal against this.
- *Can I have my jury service deferred?*  
Anyone can apply to have their jury service deferred. Reasons for such a request (e.g. they are going on holiday) should be clearly stated on the jury summons form. Jurors should also provide any other dates when they cannot attend within the next 12 months so that a new date can be arranged.
- *Will I get paid for being on jury service?*  
Courts can pay for loss of earnings, travelling costs, a subsistence allowance and an allowance for other financial loss incurred solely because of jury service, up to a maximum daily rate. No payment is made to third parties such as employers.

Source: [www.cjsonline.gov.uk/juror/faqs/index.html](http://www.cjsonline.gov.uk/juror/faqs/index.html) (accessed 17 February 2007)

## Source C Do the interests of society override those of the individual?

### Passports and ID cards

In 2006, all new UK passports contained a digital chip recording the facial dimensions of the passport-holder. From 2008, it is planned that new passports will incorporate iris scans and fingerprints.

The new passports, with facial dimensions, are required by international agreement to prevent fraud. Travellers to the USA will need them as from October 2006.

Government ministers

The new passports are nothing more than another part of Labour's ill-thought-through strategy for the unwanted and ineffective ID cards.

David Davis, shadow home secretary

The biometric passports with iris scans and fingerprints are likely to cost £19.2 billion over 10 years, making a new passport cost as much as £300.

London School of Economics

The scheme will cost no more than £5.8 billion over 10 years, raising the cost of a new passport to no more than £93. From 2008, passport applicants will also be given an ID card. ID cards will improve our security in the 'war on terror'.

Government ministers

ID cards will be little or no help in the 'war on terror'.

Stella Rimington, ex-MI5 chief

The government's own manifesto referred to a voluntary ID card. The government has no mandate to introduce compulsory ID, but giving an ID card with a passport is introducing compulsory ID by stealth.

Opposition MPs

No one is compelled to have a passport. Applying for a passport is a matter of choice. Of course you can't 'opt out' of having a passport if you choose to travel abroad.

Charles Clarke, home secretary, 13 March 2006

It should be voluntary for people who apply for passports to have their details entered on a national database.

House of Lords

It is thought that ministers will make ID cards compulsory once around 80% of the population has been issued with one.

Matthew Hickley, *Daily Mail*, 6 March 2006

## Source D Ought the privacy of public figures to be intruded upon?

We used to call them ‘tabloids’ (until ‘serious’ newspapers were reduced in size), and the *Sun* was the market leader.

Why do people read the *Sun* — still the king of the red-tops? They buy it for the sport, the race-tips and listings; but mostly they buy it for the royal gossip, the celebrity gossip and the TV-tie-in gossip.

According to the Press Complaints Commission, it is ‘unacceptable to photograph individuals in private places without their consent’. What is a private place? It is one where a person has ‘a reasonable expectation of privacy’. The paparazzi who waited outside the front gate of Prince William’s girlfriend, Kate Middleton, on her 25th birthday had a reasonable expectation that they would be paid good money for a saucy close-up — but the paparazzi have been hate-figures since Princess Diana’s death so the *Sun* called them off.

It is still the case that newspaper diary columns will pay up to £100 for a juicy story, and up to a £1,000 for a celebrity exposé.

The public is justified in suspecting, though, that there are times when celebrities collude with newspapers, selling stories and making themselves available for photo-shoots. Princess Diana was not above doing this herself, when it suited her.

### What even the red-tops would hesitate to print

Newspapers have to pull their punches because of the libel laws and the Press Complaints Commission. Online websites are less constrained. Popbitch, in particular, has a reputation for merciless treatment of those it thinks are

important. Camilla Wright set it up 7 years ago: it is now a weekly online magazine sent to hundreds of thousands of registered subscribers. Wright receives between 300 and 400 e-mails every week, from around the world, offering celebrity gossip, among other things. She also reads a number of online newspapers on a daily basis. She separates the credible from the incredible, and flies kites. When she is not certain about the truth of an allegation, or the legal position, she will print the story and let readers guess the name of the celebrity concerned. She was 18 months ahead of the *News of the World* with the story about David Beckham and Rebecca Loos. Popbitch also announced the name of Madonna’s son Rocco before the baby was born, and it hinted at sexual indiscretions by two Liberal Democrat leadership contenders, long before paid newspaper reporters were on to the stories.

The site tries to be nice, rather than nasty, about the victims. This is one reason why the site manages to avoid being sued, though the Beckhams threatened to take it to court over the allegations of sexual misdemeanours on its message board. Nothing came of the threat, though (apart from notoriety for the site and 100,000 more subscribers) — perhaps because the plaintiffs would have earned nothing from the case. Popbitch has no money behind it, like the *Sun* or the *News of the World* have. It has nothing to lose.

In the days of the internet (paid for by opportunistic advertisers), the mobile-phone-as-camera and e-mail, one wonders whether there is anywhere that celebrities can go, or anything that they can do, with a ‘reasonable expectation of privacy’.

Adapted from Decca Aitkenhead, ‘Hot gossip’, *Guardian Weekend*, 6 May 2006, and Janice Turner, ‘How dare you invade my privacy! Oh, all right’, *The Times*, 20 January 2007

## Skills

The 16 'basic human rights' listed in Source A seem to be of two kinds: there are all-or-nothing rights, and there are rights that are matters of degree. The 'prohibition of torture', for example, is all or nothing. Torture is not to be used as a means of extracting information, in any circumstances, in any European country.

**(i) What other 'all-or-nothing' rights are there in Source A? Write a list.**

The all-or-nothing rights are *absolute* rights; no exceptions are allowed. All the others do permit exceptions. The 'right to life', for example, is not given to a foetus whose mother does not wish to bring it to term. The abortion law recognised that a mother's right not to bear an unwanted child overrides the 'right' of a foetus to be born (a 'right' itself, of course, that simple biology has never recognised).

Most of the rights listed in Source A are matters of degree. There is an exception, or there are exceptions, to each one of them. There is a limit to the extent to which the right can be exercised.

**(ii) Think of an exception, or a limit, to each of the rights on the list that are matters of degree.**

Even 'absolute' rights may not always be watertight: there is no agreement, even across the Western world, about what counts as torture, and certain 'religious' practices (e.g. 'honour killing') fall foul of the law.

It may be that you can think of other rights, not included among the 16 'basic human rights', that are worth adding. The Universal Declaration of Human Rights of 1948, for instance, enshrined the following:

- right to asylum
- right to work and to choose one's work freely
- right to earn equal pay for equal work

The International Covenant on Civil and Political Rights of 1966 added the following:

- right for ethnic minorities to enjoy their own culture
- right for linguistic minorities to use their own language

Questions might be raised on Unit 1 about any of these rights and the ways in which they are, or are not, given effect.

Source B is about one duty that UK society requires its citizens to perform: jury service. It should be noted that the jury is a British institution. It was exported from

the UK to the USA and to Commonwealth countries, and had only a short-lived presence in Europe, following its introduction by Napoleon.

**(iii) What other duties does society require of us? What responsibilities do we have as UK citizens? Make a list.**

The list of duties may not seem to be particularly long compared with the list of rights – but there are many laws that we are required to obey. Few of these seriously limit our freedom, but the issue of identity (ID) cards is one that may bulk larger in the future. When discussing this issue, it is worth considering whose interests might be served by their introduction: the interest of the individual, or the interest of society/the state.

When ID cards were being called ‘entitlement’ cards (like credit cards and store cards) they might have been thought of as ‘good’ for the individual. In the context of the so-called ‘war on terror’, they take on a more surveillance-based role.

It is also worth considering whether, if ID cards were introduced, we would be required simply to be in possession of such a card, or whether we would have to carry it with us at all times.

The UK is unusual in there being no requirement for its citizens (at the time of writing) either to possess an ID card or to carry one. Some EU countries require possession only; others require that their citizens possess an ID card *and* that they carry it with them at all times. We might not object to having to possess an ID card (other than on grounds of cost). However, consider this question.

**(iv) What might the objections be to a law that required us to carry an ID card at all times?**

To answer Q17, you might draw on material from any of Sources A–C for evidence.

**Q17** The relationship between the state and the individual in the UK has changed in recent years, and the individual is less free as a result.

How far do you share this view?

You might consider:

- rights lost or gained
- duties imposed or withdrawn
- whether attitudes to freedom might have changed



Obviously, this is a very open question. Individuals may be as free as ever, yet they may *feel* less free. They know that there are more laws and regulations, and they know that there are more people in prison (there is more of almost everything you can think of, including more people). Life in the UK *seems* to be more complicated and more demanding. However:

- We now have a Freedom of Information Act.
- We are free to work anywhere in the EU.
- Gay and lesbian couples can register civil partnerships.
- Fundamental rights and freedoms are now enshrined in UK law.
- Employees have a right to receive the national minimum wage.
- Mothers have the right to ask for flexible hours of working.

There are claims that can be made on both sides, as in any complex issue. It is as well to represent both sides in your response.

Here is a sketch of a response to Q17:

[S] *It may be that it is the perception of a change in the relationship that has changed.*

[Ex A] *New laws are constantly being introduced, and the prisons have never been more full. There is more and more surveillance, and it is expected that compulsory ID cards will be introduced.*

[Ex B] *On the other hand, the law-abiding individual is as free as ever – perhaps more so than previously. Budget airlines have freed us to travel, and the internet has freed us to communicate. If there are more laws, many of them are there for our greater security. One can even grow accustomed to high levels of surveillance.*

[C] *We might have lost some abstract freedoms, but we have gained a number of concrete freedoms in return.*

The relationship between the individual and society is especially interesting when the private individual is a public figure. Members of the royal family are a special case, inasmuch as they are public figures from the moment they are born. What made Princess Diana and, later, Kate Middleton so special was that they were transitional figures: private individuals one day, and public figures the next. And we all like a rags-to-riches story, whether it is about a young man from Stratford (Shakespeare) or a group of friends from Liverpool (the Beatles).

Who are the other public figures? Perhaps they can be divided into two kinds: the *professionals* and the *celebrities*.

Professionals	Celebrities
Politicians	Musicians (singers, instrumentalists)
Commentators (journalists, broadcasters)	Sportspeople (footballers, athletes, tennis players etc.)
Heads of institutions (businesses, charities, churches etc.)	Actors (film and television)

Is this a valid distinction? Are there other categories on either side of the vertical line? (Note that it is as well to be able to name a few examples of people in each category.)

**(v) Why are we ‘ordinary’ people so interested in the private lives of these public figures?**

Whereas once we idolised Hollywood film-stars — who were wonderfully remote from us — in the television age, the objects of our fascination are soap-stars and pop musicians, and, more recently, the inmates of the Big Brother house. Is this another sign of a progressive ‘dumbing down’?

Q18 concerns public figures, and the extent to which their privacy should be intruded upon.

**Q18** ‘Our obsession with the private lives of public figures proves the poverty of our own lives.’ Discuss.

You might consider:

- whether the media are only giving the public what it wants
- the benefits to the public figures themselves of ‘exposure’
- the ethics of media intrusion into private lives