Published on *Adam Smith Institute* (http://www.adamsmith.org)

Don't repeal the Human Rights Act. Give it teeth [1]

Written by **Preston Byrne** [2] | Tuesday 12 March 2013

The government's push to repeal the Human Rights Act 1998 is ill-advised, says the ASI's legal writer Preston Byrne, who argues that the civil liberties protections offered to the British people by the Human Rights Act 1998 must be buttressed, not erased. If there is a problem with the Human Rights Act, it's not that it goes too far ? it's that it doesn't go nearly far enough.

The other day I stumbled upon *Justified*, a newish series about a thirtysomething, cowboy-hat-wearing, gun-toting U.S. Marshal named Raylan Givens. Raylan, the story goes, has been reassigned from sunny Florida to sleepy Kentucky ? ?punishment? for carrying out what amounts to a daylight assassination of a Miami mobster ? following which he promptly misbehaves, sleeping with material witnesses, failing to recuse himself where conflicts of interest arise, and killing a number of human beings per episode. These are problems that the characters, treading the fourth wall, openly acknowledge but do little to fix.

It?s not *The Wire*. But then, it?s not 2002, and Raylan is a better fit for the conscience of today's United States. Pining for John Wayne, America reminsices as Raylan, self-loathing, naïve and eager to wield raw, unbridled power, apes him; we admire him for falling short. He is a John Wayne for the Drone Age, angry, uncertain, broke and extra-judicial.

It is impossible to suspend disbelief and enjoy the show. in real life, the only thing this cowboy could ride is a desk. Killing is an unfortunate and traumatic possibility in the life of an armed policeman. When it occurs, it is very contentious. Administrative concerns kick in, a lawsuit or public inquiry is often involved and it is often cause for mandatory suspension or early retirement, on account of which ?it would be hard to ?imagine a set of facts? that would lead a cop to be involved in the deaths of six people,? especially in the first season alone.

Read this article. [3]

blog comments powered by Disqus [5]

Source URL: http://www.adamsmith.org/blog/liberty-justice/dont-repeal-the-human-rights-act-give-it-teeth

Links:
[1] http://www.adamsmith.org/blog/liberty-justice/dont-repeal-the-human-rights-act-give-it-teeth
[2] http://www.adamsmith.org/taxonomy/term/5822
[3] http://www.adamsmith.org/research/articles/the-rights-of-others-dont-repeal-the-human-rights-act-give-it-teeth

[4] http://disqus.com/?ref_noscript
[5] http://disqus.com