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EDITORIAL

As we saw in the previous issue, crime flourishes because our stupid law has brought it down to a low-risk occupation by protecting the criminals far more than it does the victims. Here is a typical situation which could very well happen to you one day.

It is night and you are in bed when suddenly you wake up with the distinct impression that you heard someone moving around in your house. You get up to investigate and, for protection, you take along a baseball bat which you keep hidden underneath your bed just in case. And sure enough, in the lounge you stumble upon your burglar who is just in the process of unplugging your video recorder.

Now, provided your burglar has been astute enough to cut your telephone cable and to ascertain that your nearest neighbours are either on holidays or too far away to hear your screams, he can be quite relaxed because he knows that the law does not allow you to attack him. In fact, he could load half of your portable household items into his van, but if you lay as much as a hand on him, he can take you to court for assault and sue you for every dollar you ever had. The law is quite specific: you are only allowed to hit the burglar in self-defence which means of course that he has the right to hit you first before you are allowed to touch him.

Now picture this: Your burglar is most likely young, athletic and muscular, fully alert with adrenaline pumping through his veins whilst you are middle-

aged, quite out of top physical condition, sleep drunk, weak-kneed and frightened to death because you have never been in a position like this in all your life. And yet the law expects you to be in full control of the situation whilst, at the same time, it gives the burglar the protection to enable him to punch you first. It is the height of absurdity.

But let us assume that your burglar's first punch has only broken your nose and given you a black eye but has not laid you out cold on the floor and that by a miracle you can see a chance to hit him over the head with your baseball bat. Stop right there, because the law is still on the side of your burglar because you are not allowed to hit out recklessly. The law insists that you must not use "undue force" to defend yourself. The burglar can come hammer and tongs at you but you must not use undue force in return.

What would you think of a boxing match where a huge heavyweight boxer is allowed to have a go at a puny featherweight opponent who, on top of this, has one hand strapped behind his back. Of course you would cry foul play. But this is exactly the advantage the law gives the burglar over you, the victim. You are allowed to hit him but only enough to subdue him.

Now hands up all of you who know exactly how hard you have to hit a guy's head with a baseball bat to render him unconscious without breaking his skull. In the middle of the night, in a situation you have never been in before, the law expects you to suddenly become an expert in the art of subduing burglars.

You can either just tap him on his head and his counter-punch will most likely finish you off for good or you can break his skull and be charged by law for manslaughter or of inflicting grievous bodily harm. The choice is yours: you can either be dead, maimed for life or finish up in prison.

But again, let us assume that you hit it right, so to speak. Your burglar lies unconscious on your lounge floor. What to do next? Run to the nearest phone box to call the police? But what if the burglar wakes up and runs off or has a go at your wife and children in revenge while you are away? So you tie him up first. But once again, watch the law. If you tie him up too loose, he will slip out of it but if you tie his hands up too tight, he will claim later on that due to lack of blood circulation, the feeling in his hands has been impaired for the rest of his life, that he can no longer work (as a burglar of course) and he will sue you for half a million dollars or more and he will WIN. Remember: you were originally the victim of an attempted burglary, but you may very well finish up by having to sell your house, car and all your worldly goods to pay damages to a criminal. Such is the law of the land today!!

Once more, let us assume that everything went right and the police eventually apprehended your burglar. Do not expect any congratulations from the police. On the contrary, they will not like what you have just done. You see, the police like simple, straight forward cases: on one side an aggressor, on the other a victim. Simple, an open and shut case. The fact that the victim might be dead or maimed for life does not unduly concern the police. If you are still alive, in some form or another, the police is only interested in you as their main witness, but after the trial, you are

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