



We seem to have no doubts about our "rights", yet our sense of right and wrong is badly bruised.

The most precious elements which bind society together – the family, the belief in individual duty and decency, our common morality – are under attack from the cynicism and fatalism of some opinion-formers.

Too many protagonists and participants in ethical debates seek, through the media, to misrepresent the issues before us, or to avoid responsibility for their own conduct, or to discredit by use of falsehood those whose arguments they disapprove of. Some of the evasions which are used are intended to paralyse debate itself. At one extreme, it is said that nothing can any longer be done about our moral condition. Or, at another extreme, that nothing needs to be done about it, since there is nothing fundamentally at fault in our moral condition in the first place.

Questions about the 'moral order' deserve to stand at the centre of public and political controversy in the coming period. But first, as moral confusion increases, we must examine how language and argument are being misused and abused.

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Moral Evasion

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CENTRE FOR POLICY STUDIES
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PREFACE

MANY MORAL CONFLICTS which bear upon public policy – as in matters of education, penal reform, family support and welfare provision – often engage us, and society at large, in candid and truthful exchanges. Varied in tone and content, it is plain that the public debate on ethical issues is as vigorous as ever, however disconcerting (to some) the arguments may often be. That many of those who hold ‘traditional’ moral positions feel themselves embattled and marginalised, while, paradoxically, those who hold ‘advanced’ or ‘progressive’ opinions themselves feel that they are ‘up against it’ in public debate, perhaps indicates the intensity of the battles that are currently being waged.

Over family and marriage, over moral and religious education in schools, over crime and punishment, over sexual ‘rights’, over welfare ‘dependency’, over advances in genetic manipulation and a host of other matters it can hardly be said that silence reigns. In these areas of conflict, there is no shortage of individuals, prominent in the press and other arenas, who have had the courage and resilience to hold their moral ground, whatever that ground may be, with polemics which deserve respect for their integrity and firmness of purpose, and sincerity of opinion.

But there are also many tricks and evasions used – some merely verbal, others of greater substance – by which the protagonists and participants in ethical debates often seek, through the media, to misrepresent the issues before us, or to avoid responsibility for their own conduct, or to discredit by use

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of falsehood those whose arguments they disapprove. I give a sample of these devices in the essay that follows.

Some of the stratagems, or 'evasions' as I call them, are intended to paralyse debate itself. They seek to show – and have us believe – that, at one extreme, nothing can any longer be done about our moral condition or, at another extreme, that nothing needs to be done about it, since there is nothing fundamentally at fault in our moral condition in the first place. This essay is addressed to all those who would hesitate over, or disagree with, both propositions – as I do – and who believe that questions about 'the moral order' will deservedly continue to stand at the centre of public and political controversy in the coming period.

David Selbourne
Urbino

CHAPTER ONE

OLD THINGS AND NEW

It is often argued – indeed it has always been argued by some – that there is 'no new thing under the sun', as *Ecclesiastes* puts it. But where, until now, has there been anything like the observation that residents of private care-homes are 'income-producing raw material', and, when dead, represent 'the waste produced by the business' (spokesman, Castle Morpeth Council, *Guardian*, 7/8/98)? Is it a new moral thing, or an old, that a lesbian couple, practising 'self-insemination', should, before breaking up their partnership, have had 'two "DIY" babies, using a pickle-jar and a syringe' (*The Times*, 31/7/98)?; or that another similar couple should purchase – for £280 – the frozen sperm of a stranger via the Internet (*Guardian*, 10/7/98)? 'To be honest', commented a spokesman for the Human Fertilisation and Embryology Authority, 'if you buy sperm on the Internet, you don't know what you're getting' (*ibid.*).

And when, until now, would a distinguished surgeon, describing 'the prospect of taking a dead person's face and draping it over the skull of a living man or woman' – a prospect 'now much closer' – declare that 'it is simply like changing the cloth of an armchair' (*The Times*, 23/9/97)? Is it a new moral thing, or an old, that a child should have been found at school with fifty 'wraps' of heroin on him (*The Times*, 28/10/98)? Or that a Welsh boy of fifteen, with a record of 282 arrests in five years – an average of one arrest per week since the age of ten – on receiving a prison term for stabbing a man in the head with a screwdriver, should punch the air on sentence and shout 'Nice one!' (*Guardian*, 5/7/94)?

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Is it an old moral thing, or a new moral thing, that there is now 'an arson attack in at least three schools every day' (Arson Prevention Bureau report, *Guardian*, 30/7/98)? Or that one in three churches can now expect to be the target of an attack of some kind – theft, vandalism, arson – each year (*The Times*, 29/6/96)? Or that malicious vandalism is now the biggest cause of railway accidents (Safety Inspectors' report, *The Times*, 12/8/98)? Or that eighty-six per cent of all alarm calls in the Metropolitan Police area are shown to be false (*The Times*, 13/4/98)? Or that the trees, shrubs and bushes planted in memory of the Dunblane victims were stolen within days from the local cemetery (*Guardian*, 27/4/96)?

Is it a new moral thing, or an old, that a pair of boots, Doc Marten's, should be described in a broadsheet newspaper – in the *Guardian* (5/3/96) – as 'the footwear of skinhead preference' for a 'good kicking'? Or that a theatre review can be headed 'It's cynical, it's violent, but it's fun' (*Daily Telegraph*, 24/1/95)? Are 'air-rage', 'car-park-rage', 'holiday-rage', 'noise-rage', 'road-rage', and 'ward-rage' new moral things, or old? Has there ever before been such violence directed in a time of peace by youth – sometimes, but not always, under the influence of drugs – against the frailest and most elderly, so that even women in their eighties come to be savaged and raped? Have members of the caring professions, such as doctors, nurses, health visitors, ambulance-men, cabin crews, priests and teachers, ever been subjected to such a volume of incivilities, threats and assaults as now?

Has the British Medical Association ever been driven before to publish advice to its members on 'Handling Aggression and Violence in Health Services' (Sept. 1995)? Is it an old thing under the sun, or a new, that doctors – it is estimated that *one thousand* of them are assaulted each year – teachers, and priests should feel themselves at such risk from those for whom they care? When, before, could nursing have been regarded as Britain's 'most dangerous profession', with one nurse in three, compared with one policeman in four, suffering an act of violence, in particular in

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accident and emergency units (Health and Safety Executive report, *The Times*, 23/12/97)?

Or shall we say, seeking to keep this miasma at a distance, and putting our heads in the sand until it has all gone away, that 'youth has always had its fling'; or that 'original sin' and 'human nature' must always hold final sway over better judgement; or that recent surveys, a host of newspaper reports – allowing always that they are driven by a hunger for catastrophe and a relish for sensation – and a mass of statistical findings are all essentially false?

Certainly, there is no shortage of social statistics, some of which appear to point to new phenomena so daunting that there is every temptation to turn away from them. Perhaps it is no wonder that they are now treated (by some) with feigned indifference, or as if they were mere commonplaces, and (by others) as untrue.

For many of these data show Britain to be in worse social and moral condition than its neighbours in Europe. Thus, the percentage of all families which are 'single-parent', the percentage of the population living alone, the percentage of single mothers who have failed to complete their secondary education, and the rate of unmarried teenage motherhood are all the highest in Europe, in some cases by a very large degree. The last is now even higher than in the US, and is also significantly higher than in most Third World countries.

Twenty-three per cent of *all families* – a steep rise since the 1980s – are 'single-parent' and have 2.7 million children between them, a huge total; forty per cent of all marriages end in divorce; the average length of marriage is now about fifteen years; forty per cent of the prison population has been 'in care' during childhood; seventy per cent of divorcing couples have children, fifty-five per cent of them having children under sixteen; and thirty-seven per cent of births are now outside marriage.

This last is certainly a 'new thing'. In nineteenth century England, the rate is said to have varied between four and seven per cent. In 1960, it stood at around five per cent. It is now more than

seven-fold higher;¹ even allowing for the diminution of infanticide – if it has diminished – and the disappearance of ‘shame’, it is still a very large change. Greater still has been the rate of increase, during the last decades, of reported indictable offences in Britain per 100,000 of the population. Whatever the intermittent successes today in holding the year-on-year rate of some types of offending steady, or even in procuring small decreases – although not for violent crime against the person, which is almost constantly increasing – there were 400 reported indictable offences per 100,000 of the population in 1931. It had reached 1,750 in 1961. It had reached 10,000 by the beginning of this decade: forty times the rate of 1901, twenty-five times the rate of 1931 during the depression, and – more alarming, because closer to us – no less than *ten times* the rate of 1955.²

This order of magnitude, whatever the achievements of the Home Office, and whatever the changes in statistical practice and the categorisation of offences, remains. Moreover, the volume of crime which goes unreported to the police – now as in the past – is always estimated to be higher, even many times higher, than that which is known about. Worse, offences against the person are said to be less reported than are offences against property, notification of the latter being required for insurance claims. The small blips of ‘improvement’, trumpeted as may be, are of little significance in relation to the decade-on-decade record. Indeed, how could they be, when *seven million crimes* are estimated to be committed each year by juveniles (Home Office report, *The Times*, 28/11/97)? Or when *forty per cent* of street robberies, and a third of car thefts and burglaries, are thought to be the work of ten-to-fourteen year olds, and to be mostly committed during school hours?

The temptation to retreat to the safety of unknowing, denial, and disbelief is strong. Yet into this moral quagmire, the Office of

¹ G. Himmelfarb, *The De-moralization of Society*, London, 1995, pp. 222-23.

² op. cit., p.226.

National Statistics continues to pour its data on the composition of households, population changes, social trends and much else. As early as the year 2000, ‘nuclear families’ – the very term has acquired an unappealing sense – could be outnumbered by ‘step-families’ alone. By the year 2020, with present trends, one in three people in Britain will be living alone; given the divorce rate and the declining incidence of marriage, a majority of women will be single, with only forty-eight per cent ‘wives’ as such; and married couples would be in a minority in the population (*Social Trends*, Office of National Statistics, January 1997).

Another ‘minority group’ to emerge ‘over the next few years’ and certainly in urban areas, according to a report by the Institute of Drug Dependence, will be ‘non-drug-trying-adolescents’ (*The Times*, 24/7/95). The scale of the illegal drugs industry, now involving an estimated annual expenditure by drug users of £9.9 billion (*The Times*, 10/7/98) directs our attention further into the maelstrom of social and moral confusion, in which the centre of our lives, and the centre of the lives of the next, even more vulnerable, generation, could not hold.

In this whirlpool, the intensifying corruption of our sensibilities, the hubris of technological experiment with the human body, the genetic abuse of the natural order, the disrespect for the carer, the aggression of the impatient, the self-harming of the young, and the accelerating fragmentation and dissolution of the old familial bond are all ethically conjoined. They are, in combination, lethal in their effects, each element intricately, and sometimes causally, linked to another.

The ‘corruption of our sensibilities’ cannot be in doubt in a world in which we may now ‘harvest’ human organs, ‘bank’ embryos, purchase semen on the Internet, declare that the abortion of one of a pair of healthy twins is ‘no different from any other abortion’ (V. Nathanson, BMA ethics committee, *The Times*, 5/8/96), coin the term ‘meatspace’ for encounters ‘in the flesh’ as opposed to encounters in ‘cyberspace’ (*The Times*, 7/2/98), and, without trace

either of irony or shame, describe a pregnant woman's octuplet foetuses as a 'valuable property' (*The Times*, 13/8/96).

To set aside our partners (and our parents too) if they do not suit us; wilfully to consign our children to an insecure, and even seriously harmed, future; selfishly to insist upon making our own rules of conduct according to our own choices and pleasures, come-what-may for the next person and for the community we inhabit; and, increasingly, to expect – or demand with violence – moral autonomy and even legal impunity in using and abusing our liberties and rights: it is as if we believed that the most precious elements of both the natural and human worlds, including our bonds with our familiars, carers, and the wider community to which we belong, were all alike to be used (and sometimes shamelessly violated) before being discarded, whenever our individual will, powers, and passing fancies dictated such actions to us.

All of these things, separately and together, represent a profound *moral* challenge, whether it be considered new or old; that is, a challenge to our bruised sense of what is right and what is wrong.

CYNICISM

THE CYNICISM AND AMORALITY with which some address these and other similar phenomena are, in part, a further cause of our ills.

'Let's face it, the family has had it', declares a commentator (S. Maitland, *Guardian*, 10/6/95), seeming to gloat over what she calls its 'terminal sickness'; or, 'the nuclear family is dead', announces another (C. Hardyment, *Independent*, 1/11/98); or, 'traditional sexual morality is a dead letter in Britain today' (J. Gray, *Guardian*, 18/10/97). 'When politicians talk about "strengthening the family", liberals reach for their revolvers', says one (P. Toynbee, *Guardian*, 1/7/98); or 'families are by their nature Darwinian units', says another, demeaningly (S. Jenkins, *The Times*, 16/10/96).³

Thus they come at us from left, right and centre:

At my son's graduation there was nothing more pathetic than the occasional intact family – usually a lonely band of three – compared to the blended [composed of new partners, former partners and their children] moving across the campus green in great raucous packs.

B. Ehrenreich, *Guardian*, 29/12/94

³ I cite all such sources with the following qualification: 'A few dozen people [in each country] writing in the newspapers, a dozen or so more broadcasting over radio and television, provide the daily interpretation of movements and happenings with slick professional adroitness... The spread of manifold devices [i.e. new communication technologies] of every sort gives to the most ephemeral and mediocre products of the human mind a temporary durability they do not deserve', L. Mumford, *The City in History* (1961), New York, 1989, p. 547.

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And marriage? The cynic and the amoralist are hard at work on it, once more with women to the fore:

Nobody seems to be able to tell me why we're still doing it... What is this marriage tic?... Surely we have the imagination to come up with something better in human relations than an institution that came in with the Ark.

T. Kindersley, *The Times*, 21/4/97

Or, 'now we have a government that wants "to protect the interests of children by strengthening marriage". This means nothing at all to me' (S. Moore, *Independent*, 6/11/98, an article which also contains a scoffing phrase about 'precious families'). Or, says yet another female commentator, 'people are bailing out of the sinking Titanic of marriage in huge numbers' (D. Moggach, 'Kiss and Break Up', *Guardian*, 6/6/98). Indeed, 'ministers would do well to abandon the "family" and "marriage" labels altogether' (P. Toynbee, *Guardian*, 4/11/98).

Or is it love you seek? Too bad. 'Love is doomed', a callow (male) voice replies. 'As Freud said, there is very little possibility of a harmonious relationship between a man and a woman' (D. Leader, psychoanalyst, *Guardian*, 9/2/96). Then what about a simple, honest relationship? 'There is no such thing as an honest relationship', answers another (male) (P. Marber, *Guardian*, 3/1/98). Or what about staying with a partner or spouse for a child's sake? It is plainly old hat. 'I didn't believe I should stay in a relationship just for the sake of a child. I don't think that that is what life's all about' (W. Carling, *Guardian*, 7/10/98).

This is a mere glimpse into a small part of the moral wasteland being made for us – or, it seems, being in some cases sedulously striven for – by our fellows, and to which the media gives an ever-enlarging and unwarranted space. It is a cynicism which saps commitment by attrition, amorally rearing its head in every field of debate. Are you concerned, for example, about the increasing incidence of violence reported to be committed by young girls,

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some in gangs? You may well be, but, replies a 'professor of gender relations':

Young women are much more positive about themselves and are likely to be more assertive ... If women are becoming more active in society, their behaviour is more likely to be like men's.

G. Siann, *The Times*, 2/5/96

And, says a woman academic researcher, 'if to prove their equality, they have to punch someone, then so be it' (A. Hardy, psychologist, *Guardian*, 22/7/98).⁴

But there are women to be found on wilder shores still. In the world of moral cynicism, there are few bounds. 'While criminologists and psychologists wrestle with the question of why two young boys tortured and killed Bulger', wrote a Cheshire woman, openly, 'I can give them the answer. They did it because it gave them pleasure'; adding, for good measure, 'there is something in all of us that takes pleasure from inflicting cruelty on those more helpless than ourselves' (*Independent*, 27/11/93).

I think not. But that such a thing can be asserted at all, and published, points into a normless darkness. Indeed, we are continually being given a sight of the cynicism which dwells in this darkness and deepens it, in relation to matters both large and small. Their common link is that an important ethical issue generally lies latent within them all, and that, seemingly in consequence, a destructive urge is aroused to desecrate a moral truth or civic principle. 'The first thing you notice, as you plead to get out of jury service', says a typical voice of it, 'is how many others are doing the same thing' (C. Bennett, *Guardian*, 1/8/98). This is, not to put too fine a point on it, to dump ordure on a civic

⁴ Also, 'bullying, punching, kicking, head-butting and stabbing are becoming accepted tools in the new femininity, mirroring rising violence among girl gangs', while 'projections suggest that by 2008 adolescent females will outnumber males for violence' (A. Hardy, Psychology Postgraduate Affairs Group Conference, Derby, *Guardian*, 22/7/98).

duty. 'The civic spirit is still strong', proclaims a *Guardian* headline (correctly), 'but it doesn't count for much on your CV' (21/9/98).

Nor is this cynicism ashamed of itself; it never is, for cynicism and shame cannot be partners. In an interview with the Labour MEP Glenys Kinnock, another commentator boldly made this plain:

I try desperately to take Glenys down the "bugger socialism, let's all go to Prada route", which would most certainly be an EEC directive if I had my way, but she won't have it ... She's not the most scintillating of women, but she's a good one. I'd be quite put to shame, if I had any.

D. Ross, *Independent*, 9/11/98

No, there is truly no shame in this kind of denial, or amoral rubbishing, of belief and value. Its reach is now far and wide, even getting at the very core and crux of the idea of principle itself, whether political or ethical, and presenting its cynicisms, drip by drip, in forms both subtle and unsubtle.

If one does not stand for policies in the old sense ... then you are free and can set others free... In these merry, piping times of peace, a prime minister [Blair] who stands for nothing is the best leader to have ... for that is the way the times must move, and -isms would stop it.

J. Lloyd, 'Blair stands for nothing, fortunately', *The Times*, 8/5/98

You would be as wrong to look for irony in this last sentiment, as for principle. It is a nadir of its kind; and emanates from another part of the moral wasteland to which I have referred.

FATALISM

THE BLEAKEST MORAL (OR AMORAL) ARGUMENT thrown in our faces is that nothing, or nothing much, can be done about anything, and particularly not about the conduct of our fellows. Thus, 'public figures may constantly feel impelled to be moral legislators but they need to know that, for a thousand reasons, they may as well try to catch the wind or command the tides' (M. Kettle, *Guardian*, 1/6/96). We may even be told, categorically, that – like the family – 'the moral issue is dead' (H. Young, *Guardian*, 19/3/91). Or, a little less brutish, that 'that old moralist Moses ... got into great difficulties with his moral codes [did he?].... For this question of how to teach morals is a very old debate. No society has ever got it right' (P. Howard, *The Times*, 1/1/96).

Such fatalism can also present itself in the guise of a more 'sophisticated' debunking of our 'illusions'. Thus:

The idea of progress sees the human species as having an obligation of planetary stewardship. This is a dangerous idea and a complete illusion. There are neither the institutions nor the sources of cultural wisdom in the world at the moment for human beings to accept this great responsibility. It is in fact a form of humanism, perhaps the worst (sic) form.

J. Gray, 'Back to Nature', *Real World*, no. 14, Winter, 1995, pp. 4-6

That is, there is nothing, or not much, to be done.

Or, of a proposed amnesty for illegally-held guns, 'few believe it can halt the rise in armed crime, nor will it help to undermine

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the atavistic cult of the gun' (*Guardian*, editorial, 1/6/96); or, of the Dunblane massacre itself, 'we have to stand, mute and mystified, before the enormity of a crime there is no way to stop happening again.' (H. Young, *Guardian*, 14/3/96); or, of the risks of employing child-minders, 'neither police checks nor registers can prevent a Louise Woodward' (M. A. Sieghart, *The Times*, 9/7/98). That is, so the fatalistic position has it once more, there is nothing, or nothing much, to be done; or, as an alternative evasion which I shall discuss later, 'not this way'.

For many fatalists – often the same individuals as the cynics identified in Chapter 2 – the game in most matters is up. And, so some appear to indicate, a good thing too. 'Exhorting people to stay married is spitting in the wind of change' (P. Toynbee, *Independent*, 24/5/96); or, on the subject of the rising tide of divorces, 'despite the hand-wringing of ministers, there's very little we can do to stop them' (D. Moggach, *Guardian*, 6/6/98); or, on family breakdown, 'no legislation, no pep talks ... are going to do a damn thing about it' (S. Moore, *Independent*, 6/11/98); or, from the father of a thirteen-year-old who had given birth to a child, 'there is not a lot you can do with a 13-year-old' (*The Times*, 10/10/98).

There are also more confident – or more arrogant – ways of expressing the 'nothing to be done' approach, including by making it appear to be the moral high ground itself. Thus:

Surrogacy [in child-bearing] can't be banned because both men and women want it ... There is demand for a service and there is money ... The only immorality is to stand in their way.

S. Jenkins, *The Times*, 28/5/97

There can be other refinements too. When it was argued by Nicholas Tate, the head of the then Schools Curriculum and Assessment Authority, that schools needed an agreed set of moral ideals to set before pupils – the unexceptionable virtues of 'honesty, respect for others, politeness, a sense of fair play, forgiveness, punctuality, non-violent behaviour, patience, faithfulness and self-

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discipline' were suggested (*The Times*, 15/1/96) – 'Nothing-to-be-Done', like a character in *Pilgrim's Progress*, arrived swiftly on the scene, now garbed in academic subfusc.

Thus, we were immediately informed that 'A. J. Ayer, the moral philosopher' had 'noted' that 'no morality can be founded on authority, even if the authority is divine' (*Guardian*, editorial, 16/1/96); the headmaster of Westminster School complained of Dr. Tate's desire to 'impose commandments of moral value on our schools' (D. Summerscale, *The Times*, 26/1/96); the headmaster of Rugby thought, in truly fatalistic or nothing-to-be-done style, that 'unlike policemen and judges, we as educators must accept failure as part of the pattern' (*The Times*, 20/1/96). An academic in a university centre for 'social ethics', no less, thought that the proposal for a moral code was 'dangerous talk' (J. Tooley, *The Times*, 16/1/96). And in the van could be heard another familiar theme in the stifling of this debate: 'morality', the voice of it said, as ever, 'cannot be taught, it must be learnt' (e.g. R. Anderson, *Guardian*, 17/1/96).

This was 'nothing-to-be-done' again,⁵ presented here as 'leave-well (or in this case ill)-alone'.

⁵ cf. "There's no longer anything to be done" is an intrinsically suspect statement and of no practical utility', P. Levi, *The Mirror-Maker*, tr. R. Rosenthal, London, 1997, p. 123.

NO BLAME

ANOTHER ARGUMENT NOW COMMONLY OFFERED TO US, where a moral issue is at large, is that, although a wrong of some kind may have been committed by an individual, or as the result of the misguided practice of an institution, no blame should be attached to the wrongdoer. Unsurprisingly, therefore, wrongdoers themselves seem increasingly unwilling to accept blame, which implies the acceptance of adverse moral judgement. But matters are different, as I shall show later, when a victim – real or pretended – descends into the legal arena in search of compensation.

Indeed, blame is becoming (for many) a taboo. A headline such as 'Wife Who Killed Free of Blame' (*Guardian*, 2/7/96) gives form to an implicit desire to side-step moral judgement even in the case of (certain) serious crimes. Or, writes an editorialist on the subject of the defects of the old divorce laws:

Unfortunately three grounds by which the irretrievable breakdown [of marriage] could be demonstrated continued [under the old law] to apportion *blame*: adultery, intolerable behaviour, desertion.

emphases added, *Guardian*, 19/6/96

That is, blame is itself a misjudgement; freedom from moral criticism, freedom from the attribution of moral responsibility, and moral absolutism are better by far.

It may be that, in certain circumstances, they are. But the doctrine, or non-doctrine, spreads. Thus, of a much criticised film, the British Board of Film Censors 'did not feel it appropriate to

condemn the messenger for bearing such bad news' (J. Ferman, *The Times*, 6/3/96); blame, or moral judgement, was best held at bay. Or, 'How many times can he say "sorry, sorry, sorry"?' inquired the lawyer for the boxer Mike Tyson, after he had bitten off part of the ear of an opponent; 'people are entitled', he added, using a significant verb, 'to make a mistake'. That is, moral judgement, perhaps any kind of judgement, is misplaced, even unfair.

Or, again:

It is easy to allow films to be blamed for our failings. A choice of film and the reaction to it reflects what is already within the viewer. Film and video are becoming the scapegoats for the horrors which they only reflect.

R. Potts, *Guardian*, 22/3/96

That is, the film-maker as such is not at fault; someone or something else is, or perhaps no one and nothing. Likewise, the editor of *Elle* did not believe it to be her responsibility to help to break the cadaverous stereotype of the fashion model, which is said by others to be bringing even eleven- and twelve-year-olds to grief. 'I do not think we dictate what is going on', she declared. 'We just reflect it' (*Guardian*, 28/3/96). That is there is no fault, or not *here*, and therefore – once again – no blame.

Beyond the 'no-blame' moral side-step, lurks, as we have already seen, the 'scapegoat' argument. The belief, and often the assertion, that an individual, an institution, or a particular social practice considered responsible for this or that default is actually being 'picked on', and made into a 'scapegoat' – or, in other versions, a 'punchbag' or 'political football' – has become an amoral commonplace. Those who have most frequent resort to it include representatives of the teaching professions.

For example, 'We live in a blame culture, which points the finger at teachers for society's ills' (D. McAvoy, General Secretary, NUT, 2/7/96). Or, government ministers are said to 'make the fundamental mistake of working up a moral panic about failing

teachers. They have used the profession as a punchbag. It is being scapegoated for the ills of society' (D. McAvoy, NUT Annual Conference, *Guardian*, 15/4/98). Or, apropos the government's proposal to criminalise sexual relationships between older teenagers and adults in authority, 'they are being vindictive towards a particular section of society [teachers]' (N. de Gruchy, General Secretary, NASUWT, *Guardian*, 22/6/98).

The 'scapegoat' argument is also, of course, heard from the accused in legal proceedings for offences both small and large. Thus, 'I like music and I like it loud so I can hear it. I feel I have been victimised', declared a typical defendant, absolving himself from blame in a case of 'noise pollution' (G. Smith, *Guardian*, 14/8/96). But even in a case of murder, it was pleaded by *counsel* on behalf of the accused that the latter 'not be made a scapegoat for the failure of society to regulate its affairs by making it harder for people such as [the accused] to obtain guns' (*The Times*, 15/8/96) – a proposition which would sweep away part of the doctrine of criminal responsibility itself, if the principle, or non-principle, of it were generally accepted.

Thus, to the cynicism that suggests that moral categories and arguments mean little or nothing, or otherwise have no value, and to the fatalism that dictates that, in any case, 'nothing-can-be-done', must be added the 'it's-not-my-fault', and 'why-are-you-picking-on-me?', side-steps of the blame-free.

ABUSING LANGUAGE

TURNING FIRE ON THOSE who allegedly *do* the 'blaming' and the 'judging' has involved much abuse both of language and of truth. The denial of the validity and legitimacy of the standpoints of the ethical opponent has given rise to a vocabulary of Orwellian distortions, against which it is necessary for guard to be raised.

To begin with, those who take a moral stand on the ills of our society are less frequently designated 'moralists' than 'moralisers', now a generalised term of abuse to left and right alike. It does not stop there. They are 'moral crusaders' (S. Jenkins, *The Times*, 6/7/96, and *Observer* 'Comment', 3/11/96), 'moral panickers' (P. Toynbee, *Independent*, 9/9/96), 'moral re-armers' (B. Campbell, *Guardian*, 5/11/98), 'moral muggers' (R. Edmond, *Guardian*, 4/6/96), 'moral authoritarians' (S. Cameron, *The Times*, 9/11/96) – or, if you prefer, 'authoritarian moralists' (J. Gray, *Guardian*, 5/11/98).

Such 'moralists', or 'moralisers', are also 'born-again social conservatives' and 'fundamentalists' (M. Freely, *Guardian*, 5/11/97), 'diehards' (*Guardian*, 19/6/96), 'doom-merchants' (*Observer*, 10/11/96), 'meddlers' (F. Mount, *Sunday Times*, 15/6/97), 'mullahs of the religious right' (A. Miller, *Guardian*, 16/10/98), 'nannies' (M. A. Sieghart, *The Times*, 9/7/98), 'new puritans' (M. Grade, *Guardian*, 12/1/94), 'self-appointed watchdogs' (P. Donoghue, *Guardian*, 26/8/96), and – again from right and left alike – 'social authoritarians' (e.g. B. Johnson, *Daily Telegraph*, 2/10/96 and, two days later, B. Campbell, *New Statesman*, 4/10/96). These 'moralists' may also constitute a 'brigade' – for example,

'the objective moral truth brigade' (M. Parris, *The Times*, 7/2/97), or 'the right and proper brigade' (*Guardian*, 23/12/96).

Apart from the now universal 'moral panic', and even 'swelling moral panic' (P. Toynbee, *Guardian*, 24/6/98), with which 'moralisers' are allegedly gripped, they also suffer from the disorders of 'moralism' (Earl Russell, *The Times*, 3/6/98), 'moralising' (e.g. A. Etzioni, 'basically moralising makes things worse', *The Times*, 1/8/96), 'merely moralising' (J. Gray, *Guardian*, 24/4/98), 'moral worrying' (P. Toynbee, *Guardian*, 11/3/98), and 'moral anguish' (P. Toynbee, *Guardian*, 24/6/98). In addition to the standard 'moral panic' – 'the most fundamental and potentially dangerous panic of all' (R. Greenslade, *Guardian*, 23/10/96) – they may also suffer from 'new moral panics' (M. Gove, *The Times*, 23/6/98).

'Moralisers' are 'authoritarians' always, as well as 'busy-bodies' (H. Young, *Guardian*, 5/11/98), 'fussy' (A. McElvoy, *The Times*, 7/9/95 and H. Young, *Guardian*, 5/11/98), 'hand-wringing' (C. Hitchens, *New Statesman*, 17/5/96), or, a little more strenuously, 'flexing their muscles' (M. Parris, *The Times*, 7/2/97). An 'authoritarian moralist' may also be 'hatchet-faced' (N. Cohen, of Jack Straw, *Observer*, 22/12/96), 'holier-than-thou' (A. Etzioni, *The Times*, 1/8/98), 'mindlessly conformist' (R. Cartwright, *Guardian*, 10/1/97) – their 'mentality' that of 'the gang' (M. Parris, *The Times*, 25/7/97) – 'paternalistic' (M. Marin, *Sunday Telegraph*, 5/7/98), 'pious' (G. Wheatcroft, *Guardian*, 7/7/94 and M. Marin, *Sunday Telegraph*, 5/7/98), 'portentous' (C. Hitchens, *New Statesman*, 17/5/96), 'prim' (J. Molloy, *Guardian*, 17/10/96) and, of course, 'right-wing' (P. Toynbee, *Guardian*, 4/11/98).

With propensities and characters of such a kind, 'moralisers' therefore do not display any ordinary moral concern about the ways of the world, but rather 'grim moral fortitude' (P. Toynbee, *Independent*, 24/5/96), 'knee-jerk intolerance' (M. Midgley, *Guardian*, 16/1/96) – 'knee-jerk' is a favourite epithet of these abusers of truth and language – 'new puritanism' (F. Mount,

Sunday Times, 15/6/97), 'new righteousness' (R. Coward, *Guardian*, 28/10/96), 'puritan priggishness' (W. Wyatt, *The Times*, 27/5/97), or, more elaborate, 'hard-faced Judaeo-Christian piety' (R. McKibbin, *The Times*, 8/4/97).

They do not simply raise moral questions or seek moral ends, these 'moralisers', but are prone, instead, to 'have a fit of morality' (S. Jenkins, *The Times*, 6/3/96) or to succumb to an 'itch to moralise' (*Guardian*, editorial, 24/7/98). 'Moralisers' do not express their opinions but 'preach' (*Guardian*, editorial, 24/7/98), 'sermonise' (Y. Roberts, *Guardian*, 2/12/98) or give 'lectures' (e.g. M. Marin, *Sunday Telegraph* 5/7/98 and P. Toynbee, *Guardian*, 9/11/98) – whereas, for instance, 'good family policy is not about lectures' (*Observer*, editorial, 25/10/98). They may even, to vary matters, engage in 'heavy hectoring' (L. Purves, *The Times*, 17/11/98), or deliver themselves of a 'fair dollop' of 'moralising' (P. Toynbee, *Guardian*, 25/3/98). The 'moral majority' is also given to 'baying' (Y. Roberts, *Guardian*, 4/6/98), while you may also hear 'real family crusaders in full bellow' (P. Toynbee, *Guardian*, 24/7/98). Or, you may see them, more violently, 'frothing after the bygone morality of a distant age' (*Guardian*, editorial, 30/12/96).

The opinions, conceptions and judgements of these lecturers, preachers, sermonisers, hectorers, bayers, bellowers and frothers are neither principled nor deeply held but 'bundles of moral attitudes' (S. Benton, *Guardian*, 5/8/93), 'empty platitudes' (J. Brazier, *Guardian*, 31/10/96), 'humbug' (P. Toynbee, *Guardian*, 24/7/98), 'inane rant' (S. Jenkins, *The Times*, 30/10/96), 'sanctimonious waffle' (S. Moore, *Guardian*, 20/6/96), or 'waffle', 'bromides' and 'oratorical muzak' (S. Jenkins, *The Times*, 6/7/96). 'And what is a Moral Judgement about the nature of society?', asked the last. Again, nothing but 'waffle' (S. Jenkins, *The Times*, 16/10/96).

At the same time, the views of 'moralisers' are generally seen as 'compulsive' (*Guardian*, 3/6/96) and 'coercive' (*Guardian*, 10/11/95), or 'prescriptive and reactionary' (*Observer*, 17/11/96). They may also possess a 'nasty streak of moralising intolerance' (J. Vidal,

Guardian, 9/7/97); the 'moralisers' politics, the 'politics of virtue', are even 'a threat to freedom' (M. Cowling, *The Times*, 26/7/97). For in their 'moral crusade' (*Observer*, 27/10/96) – there is always a 'crusade' to be found in it of one kind and another (e.g. *Daily Telegraph*, editorial, 28/10/96 and *Guardian*, editorial, 10/11/98), including a 'make-'em-marry-crusade' (B. Campbell, *Guardian*, 5/11/98) – 'moralisers' are everywhere pursuing not so much moral as political ends.

These ends include, at their simplest, 'intrusion': as, say, 'intrusion into public and indeed private feelings' (M. Marin, *Sunday Telegraph*, 5/7/98), 'intrusion into family life' (P. Lilley, *The Times*, 6/11/98) and even 'intrusion' into 'the private and intimate life of the electorate' (S. Moore, *Independent*, 6/11/98) – the latter two objections to 'intrusion' being responses to the government's proposals on supporting the family.

Beyond 'intrusion' lie, as 'moralisers' alleged ends, a condition of 'homogenisation' (F. Stock, *Guardian*, 26/11/96), or the 'run[ning] of other people's business' (Earl Russell, *The Times*, 30/6/98), or the 'nationalising of private moral action' (P. Lilley, *Guardian*, 5/11/98). And beyond these again, given their 'moralising absolutism' (J. Gray, *Guardian*, 5/1/98) lies the final condition, or moraliser's utopia, of a 'moral tyranny' (M. Gove, *The Times*, 23/6/98), and even a 'new Reich' (M. Parris, *The Times*, 7/2/97).

The abuse of language and truth in this fashion can perhaps be best observed, in microcosm, in public debate about educational standards and the educational syllabus. Here, there can even be 'intrusion into teaching standards' (Earl Russell, *The Times*, 30/6/98), with a new 'A level' in Critical Thinking', which would include 'moral reasoning' in its syllabus, scoffingly denoted a 'morality exam' (*Observer*, 27/10/96); while courses in citizenship can be described as 'akin to indoctrination by fascist and marxist regimes' (S. Porter, *Guardian*, 25/10/96).

Again, to propose moral and religious education in the nation's schools is to want to 'rebuild Jerusalem in the middle of a school

assembly' (S. Moore, *Guardian*, 22/9/94). Or, worse, to want to 'push' (*Guardian*, 1/2/94)⁶ or – more vulgarly still – to 'shove', 'Christianity down children's throats' (S. Moore, *Guardian*, 22/9/94); or, more violently, to 'hammer' people and their children with formal Christianity' (emphasis added, J. Hemming, *Guardian*, 8/7/96).⁷

At the same time, those who criticise the ethical and civic ideals of others, as being, say, 'absolutist' or 'authoritarian', know very well how to make their own moral judgements. They are prepared to condemn, sometimes with hatred, the arguments and ways of life of those of whom they disapprove, from which judgements they permit no appeal.

In this world, Mother Teresa, for instance, is presented as having been 'built up' by 'a combination of hype and bullshit' (T. Ali, *Guardian*, 7/11/94).⁸ Or she is said to 'epitomise the blinkered charitableness upon which we pride ourselves ... There is very little on earth I hate more' (G. Greer, *Guardian*, 7/11/94).⁹ In this

⁶ 'It's bad enough that anyone should think that morality can be rammed down people's throats' (emphasis added, G. Mulgan, *Guardian*, 30/10/96).

⁷ 'We do not need a religious revival, least of all the evangelical kind which pollutes American politics' (emphasis added, *Guardian*, editorial, 21/10/96).

⁸ She was also described, equally crudely, as a 'leathery, weather-beaten old stick', (T. Ali, *Guardian*, 2/11/94).

⁹ The emotion of *hatred*, sometimes presented with an unpleasant jokiness, is regularly expressed in the *Guardian* pages, including in its headlines. A representative sample might include: 'One of the great things about British politics is the dependable supply of people to loathe. We knew the world we woke up to on May 2 [after the Labour victory in 1997] would take some getting used to, not least the list of people available to hate' (D. Aitkenhead, 17/2/97); or, accompanied by two prominently-placed titles, including one on the mast-head – 'Why everyone hates married lovey-doveys' and 'Out damned happy loving couples!' an article by S. Duffy contained the following: 'In an effort to stave off the terror of boredom that strikes deep into the heart of all lovers, smug couples take up public displays of affection to hide the fear ... Clamped hand-holding is anti-social ... Couples that are so

world, there live 'cardboard cut-out' heterosexuals (S. Moore, *Independent*, 6/11/98), and 'family' is no more than a 'code-word' (P. Toynbee, *Guardian*, 4/11/98), while to show support for a trans-sexual competitor in a 'song contest' is held, without argument, to be 'progressive' (J. Freedland, *Guardian*, 13/5/98). And in this world, the lesbian couple, referred to earlier, can pronounce that buying a stranger's sperm on the Internet is 'neither abnormal nor morally wrong', adding that 'we both have a yearning deep inside to have a child, and nothing is going to stop us' (*Guardian*, 10/7/98).

Without entering here into the merits of these arguments, we have, on the one side, widespread abuse of language in criticism of the 'authoritarian moraliser'; on the other, a counter-morality which brooks no objection.

very in love should stay at home ... Hand-hold all you want, only for God's sake don't do it when I'm trying to walk in the other direction'. The happy expressions of lovers were cynically described as 'cloned looks of glee, acid-etched into their faces'(23/4/98).

Again, 'there are very few groups of people you can respectably hate any more' (D. Aitkenhead, 24/4/98); or, on the appearance in a room of an eye-catching woman, 'This sparks the usual upsurge of figure-envy, body-fascism, hate, spite, downright revulsion' – yes, revulsion – 'that a better body than the one in your own frock is lassoing the room's attention. That is all very healthy (sic)' (S. Thompson, 20/5/98); or, on a fellow woman-writer, 'So there you have it. Looks, money, success, cultural significance. How much do you hate her?' (S. Durrant, 19/10/98).

Or, widening the focus a little, members of the House of Lords may be presented as 'dribbling in-breds in bow-ties' (D. Aitkenhead, *Guardian*, 4/12/98), or more violently still, we may told that 'we have to give him [the 'beast' of the tobacco industry] a good kicking while he is down – and keep on kicking' (S. Boseley, *Guardian*, 7/12/98). And so on. In this genre of open and sometimes venomous expression of their distastes and hatreds – without a trace of moral embarrassment – female contributors to the *Guardian* (Greer, Aitkenhead, Duffy, Thompson, Durrant and Boseley in this sample) shine even in highly competitive male company.

THE 'LIE DIRECT'

THE ASSERTIONS THAT 'the family has had it', or that 'the moral issue is dead', are of course outright metropolitan falsehoods. So that in addition to the cynicism and fatalism of much anti-ethical argument, and the frequent resort to the devices of stereotyping and abuse of language in relation to the so-called 'moraliser', the 'lie direct' (Shakespeare, *As You Like It*, Act V, sc. iv) is regularly encountered in moral debate.¹⁰ Telling *lies* about ethical matters, great and small, is a commonplace.

Thus, it has been blindly asserted that the 'Holocaust' did not take place; or, that Aids is a 'myth'; or that 'a liberal climate [in Britain] hardly exists at all' (M. Kettle, *Guardian*, 8/1/94). Or it can be declared that:

Repeated demands for harsher punishments and secure environments for young persons ... [and] even the attempt to criminalise marijuana-use can be seen as attempts at *ethnic cleansing*.

emphasis added, G. Greer, *Guardian*, 21/2/94

This type of rank abuse of truth indicates, among other things, a disrespect for moral categories and values themselves. To declare, say, that the European 'Social Chapter' is 'immoral' (J. Major, *The Times*, 20/1/96) makes a nonsense of moral argument itself. Moreover, although it is a lie to assert, for example, that a

¹⁰ 'Our age is so poisoned with falsehood that it changes everything it touches into a lie', S. Weil, *La Prima Radice* (1949), Milan, 1996, p. 92 (author's translation).

'particular form [of the family] – the traditional nuclear family – is disappearing, along with the traditional views that supported it' (*Observer*, editorial, 25/10/98), falsehoods of certain kinds, continually repeated, contribute to making true the lies they assert.

There is arguably wishful thinking to be detected in such a procedure; at worst, design.

ELEVEN TYPES OF MORAL EVASION

I NOW COME, by way of providing a brief guide, to the *principal types of evasion* by means of which the 'moraliser's' arguments and instances are met, and the ethical column is dodged. I have identified here the eleven types which most frequently recur. These eleven common types appear in variant forms and guises, some more subtle and others less. They are also used in combination and permutation. I give each of the eleven types a letter, from A to K, for ease of reference, and furnish examples of the use of each.

A. 'There-is-nothing-you-can-do-about-it-or-not-much'

This is the 'fatalistic' way, as I have already noted and illustrated above (Chapter 3). For example, of a child of eight who used a claw-hammer to wreck two giant vases standing outside a Birkenhead art gallery, the mother commented: 'He's really a lovely lad... To him they were only stupid pots and he didn't know any better... There is nowhere for him to go to play. He is bound to get into trouble'. (J. Kelly, *The Times*, 20/8/93). Or, after a fight at a Dulwich school in which a boy was stabbed in the stomach with a carving knife by a fellow-pupil, 'Things happen, and there is nothing that you can do about it' (S. Williams, headmaster, *Guardian*, 13/1/93).

Or, from a mother – again – of vandalistic children, 'I've never said my kids are perfect. Children get bored here. They are only children after all' (*Guardian*, 14/3/97). Or, on the government's Crime and Disorder Act, 'I doubt it will do much to improve behaviour' (M. Linklater, *The Times*, 4/12/97).

Some variants of the fatalistic evasion are less easy to identify at first sight than others. Thus, on the government's proposals to support families, the response that it was 'impossible to promote marriage as the ideal without risking the stigmatisation of alternative families' (spokesperson, Gingerbread, *Guardian*, 5/11/98) appeared to be a fair squaring up to a moral issue. On closer scrutiny, it was a morally evasive argument of Type A.

B. 'It-has-never-been-any-different'

This evasion could be considered a mere variant of Type A. But I have chosen to give it a separate head, since its use is very common, while its essential fatalism (and cynicism) are often secreted in erudite-seeming *historical* argument. For example:

The language of moral panic is not new... This is the baggage that "morality" and "family values" have dragged through two centuries of social change... "moral crises", and their self-appointed policemen, have followed with regularity.

P. Beaumont, *Observer*, 27/10/96

Note the multiple examples, within a short space in this passage, of the abuses of language analysed in Chapter 5.

Or, we may be given, by way of moral evasion of an important issue, a still longer, and even eternal, historical perspective. Thus, on genetic engineering:

Humans have been interfering with nature for 8,000 years, and made a pig's breakfast of the planet in the course of it.

Guardian editorial, 12/12/98

Or on the possibility of the cloning of animals *and* humans:

Man has always been able to do many immoral and dangerous things... There is no need for moral panic.

The Times, editorial, 27/2/97

The cynicism of this latter position was reinforced by the facetious headline, 'Double Trouble'; while the standard 'moral

panic' – often used to dismiss the ordinary, but justified, anxieties of others – was again pressed into the service of evasion.

C. 'There-is-no-quick-fix-to-this-problem'

After such tragedies as the murder of headmaster Philip Lawrence, it is an argument regularly heard, but is less common in less dire circumstances. That is, it seems to be an evasion favoured by dramatic events. Thus, on the 'knife culture':

These issues need to be addressed with sensibility and thought. We must not let our anguish obscure the true legal position, or lead us to suppose there is any quick fix to the prevalence and use of weapons in Britain.

F. Crook, The Howard League, *Guardian*, 12/1/95

Or, again, more crudely, 'Howard Opts for the Quick Fix' (headline, *Guardian*, 23/10/96).

'Quick fix', in Type C evasions, may also appear as 'cheap fix', as in this comment on spiritual and moral education in schools: 'Don't chance a cheap fix on morality. To find the way forward we need to consult the children (sic)' (C. Erricker, head of the School of Religion and Theology, Chichester Institute of Higher Education, *Times Educational Supplement*, 6/12/96).

D. 'This-is-the-price-of-a-free-society'

This evasion is often encountered in the matter of media violence and pornography, and can be considered an amoral commonplace. Thus, of violent and sadistic books, and their effects on readers:

It is one of the prices we pay in a free society. We cannot close down the publication of books because of one person who cannot handle it.

R. Ressler, *Guardian*, 21/12/93

The second part of this proposition is an example of the intense cynicism on moral issues discussed in Chapters 2 and 6.

E. 'Everything-is-changing-and-you-must-move-with-the-tide'

In recent times resort to this type of evasion has increased considerably, not least because of its association with the sense of a millennial transition. It is also presented in many variant forms. Thus:

We live in a world of permanent change, almost permanent revolution – economic revolution, social revolution, *moral revolution* – and in the face of this you have to change continually.

emphasis added, P. Gould, *The Times*, 17/10/98

Or, in a more sophisticated variant:

Traditional morality is no help. It developed in circumstances of life being brutish and short, so it is... anthropocentric... Everything is changing so quickly that neither traditional morality nor liberal morality are of much service to us.

J. Gray, *ECO View*, report, Winter 1997/8, p.1

This variant also contains a concealed form of the Type A evasion.

Or, more straightforwardly:

The family is changing... It is becoming more flexible, more open, more democratic... The Government should move with the tide.

Observer, editorial, 25/10/98

Generally, this type of moral evasion is associated with the notion of 'modernity' and 'modernisation', in which 'moving-with-the-tide' is presented as a natural process, in contrast with the artifice of reactionary tradition. For example, on the supposed decline of the traditional family:

Do we really need to be despondent? Or is it possible to argue that a new model family is evolving, a little painfully, but much fitter for modern times?... No one should downplay the personal tragedy of divorce, but we are beginning to accept it as a natural stage in the evolution of the modern couple.

C. Hardyment, *Independent*, 1/11/98

The evasion employed in the injunction to 'move-with-the-tide' is sometimes presented in association with the idea of a *comfortable adaptation* to new and welcome standards of moral conduct, notwithstanding the negative social effects of such changes. Thus, on the subject of relationships other than marriage, 'We have to live comfortably in our own time rather than to be fogeys wishing we had lived in some time or in some place else' (W. Hague, *The Times*, 30/1/98), in which the Americanised turn-of-phrase presumably reinforces the sense of readiness to 'adapt'.

One of the most common uses of the 'Everything-is-changing' dodge is in circumstances where commercial necessity, or expediency, dictates the moral, or amoral, rule; more precisely, where the 'demands of the market' must allegedly be met, come-what-may, and in which the 'moving-with-the-tide' evasion is a handy one. Thus:

It is the three-minute culture of the young which is the most disturbing threat to the survival of serious newspapers. Many of those young people do not read if they can avoid it... It is our job to meet this generation halfway.

P. Stothard, editor of *The Times*, in *Guardian*, 16/6/97

Or, in rebuttal of objections that the thinness of a certain make of doll sets up an impossible, and harmful, physical ideal for young girls, the evasion makes a more straightforward appearance: 'As a responsible toy and game manufacturer we have to make our products move with the times' (public relations manager, *The Times*, 14/9/96). Or, in a baser use of this argument, in response to complaints about a pop group's explicit video, containing scenes of 'vomiting, drug-taking, violence and sex': 'Obviously, The Prodigy want to take things forward' (L. Howlett, pop group songwriter, *The Times*, 15/11/97); a self-exculpatory step beyond, but still a variant of, 'moving-with-the-tide'.

This evasion is close to, but distinct from, the one that follows.

F. 'It-is-no-use-turning-the-clock-back'

This type of evasion is often expressed through, or coupled with, mockery of the idea of a 'golden age'. It can be put bluntly and crudely, as in 'There's no way we can turn back the clock' (D. Moggach, *Guardian*, 6/6/98), in reference to the problem of high divorce rates; or, on the sale of 58,000 British army houses to a Japanese-led consortium, 'With all the Japanese investment in this country, you cannot turn the clock back' (Sir T. Macpherson, *The Times*, 4/9/96).

Or, the same argument can be put with more style. Thus, the attempt by the former education secretary, John Patten, to introduce a code of classroom rules was characteristically described as 'indulging in nostalgia for a lost moral universe' (*Guardian*, 5/1/94). The date to which it is alleged that the 'clock' is being attempted to be turned back varies, from the remotest antiquity to the more recent past. Thus, 'Blair's actions' are, on the one hand, said to 'reveal a man who wants to propel us back to the nineteenth century as quickly as possible' (F. Wheen, *Guardian*, 1/4/98); on the other, the present government's plans to support families of course 'look backwards', but *their* 'yearning' is only 'for golden 1950s family certainties' (P. Toynbee, *Guardian*, 4/11/98).

In this type of evasion, 'nostalgia' is a key term; for example in the description of 'the present moral panic' (again) as a:

...bizarre phenomenon of authoritarian nostalgia... which evangelises about a return to the past, a moral golden age that never was.

M. Jacques, *Guardian*, 9/11/96

This is a typical Type F observation which also contains several excellent examples of the abuse of language noted earlier.

As in the case of Type E arguments, with which this form of evasion is conceptually related, there is also to be found a connected 'sub-text'. Thus we can now be told – by a doctor – that the medical Hippocratic Oath, the highest historical expression of medical ethics, is no more than 'a catalogue of restrictive

practices, dressed up as a series of oaths. I thought we had *grown out of that*' (emphasis added, M. O'Donnell, *Guardian*, 28/3/97).

Under the terms of this type of evasion, it is a form of immaturity, rather than its opposite, to look to the past, while 'moving forward' even into deeper moral confusion is clearly regarded (by some) as progress.¹¹

G. 'This-problem-is-much-more-complex-than-you-think'

This is clearly found to be a quick and useful alibi for engagement with almost any moral or civic issue. It appears in many variants, both crude and less crude. For example, 'One of the delights of social science is that nobody really knows what is happening to crime' (S. Jenkins, *The Times*, 25/9/96); or, less crude but more obfuscatory, 'morality does not exist independently of economic and social relations' (*Observer*, editorial, with the entire quoted sentence printed in italics, 27/10/96), leaving the entire issue in a labyrinth from which, satisfactorily, it cannot be extracted.

Or, again:

It is all too easy to say that children should be taught to be British. It is much more difficult to say what it is to be British. This country is so diverse in many ways.

N. Walter, *The Times*, 26/7/95

Or, characteristically transposing an ethical issue on to a plane where it can barely be reached, here in the matter of heroin-addiction and drug-pushing, 'This is an international problem. If you want to change the drug problem, we have to change the whole world' (social worker, Zurich, *Guardian*, 15/2/95), an argument which clearly overlaps with those of Type A.

In the use of this evasion, *complexity* – about which in some instances there can be no dispute – is merely asserted; it is less

¹¹ cf. 'We must be positive and move forward' (J. Anderson, president, Girls' School Association, *Guardian*, 17/11/98), on the need to praise single mothers – adding that 'fathers could ease the pain of break-up by keeping in touch with their daughters via phone, post, and even e-mail'.

frequently convincingly demonstrated as a fit ground for inaction, or as rationally justifying a sense of helplessness before the facts. Instead, the purpose of the 'complex problem' evasion appears generally to be that of disabling arguments possessing a strong ethical charge, towards which disapproval or hostility is felt.

In order to negate such arguments, amoral counter-arguments from 'complexity' serve to cloud the moral issue and even to paralyse further debate.

H. 'This-problem-is-beyond-the-reach-of-the-law'

This argument can be employed, often together with that of the preceding Type G, in order to induce a sense of *futility*, and to suggest the merit of inaction in relation to almost any moral problem. It may thus be, on particular occasions, no more than a seemingly informed version of the fatalism of Type A; that is, as a moral alibi for doing nothing about anything, on the grounds that nothing *can* be done. Nevertheless, it deserves to be treated as a distinct type of evasion, to which resort is frequent, and even instantaneous, whenever the law or law reform are at issue in matters of personal moral conduct.

Thus, most bluntly, 'moral and social obligation cannot be legally enforced' (J. Langdon, *Guardian*, 7/12/96), notwithstanding the fact that such obligations are so enforced, and in almost countless laws. Or, again:

Law is the crudest of all instruments of moral education. Laws can prevent us from doing evil but they cannot make us good.

J. Sachs, chief rabbi, *The Times*, 31/5/94

– a position which, if true, would render nugatory the purposes of much of the Torah.

Or, likewise, 'education, not legislation, is the way to cut crime' (*Guardian*, editorial, 30/1/96), an argument quickly abandoned whenever teachers' duties are at issue. But here, and elsewhere, its use is essentially as a deterrent to the possibility of effective intervention in the field of moral conduct, by postponing action to

the very long-term, or never; a familiar device. Or again, in the mouth of a gun-lobbyist after the Tasmanian massacre – for this evasion is versatile – 'Laws are not going to stop this kind of thing happening, as you can't legislate against insanity' (*Guardian*, 30/4/96). Indeed you might be lead to think, according to this type of evasion, that it was neither possible nor wise to legislate against anything at all.

Thus, after a knife-assault on a Wolverhampton nursery school, the attack was said to have 'tragically demonstrated the limitations of the law' (*Guardian*, editorial, 16/7/96); or, again, in the matter of film violence, 'the solution is beyond the reach of British law' (J. Ferman, *Guardian*, 12/12/96).

The cumulative effect of the constant iteration of this kind of argument – that the law is essentially inadequate, or even helpless, in the task of controlling, shaping or changing the citizen's moral and social conduct in a wide range of the latter's manifestations – serves to reinforce the cynicism and fatalism discussed earlier. Flying in the face of much of the law's actual function, the argument relies on falsehood to make its anti-ethical way.

I. 'You-are-focusing-on-the-wrong-issue-or-the-wrong-target'

This evasion is by far the most widely used. At its simplest, it is a diversionary 'not-this-but-that', or 'not-us-but-them', or 'not-here-but-there' argument. Although it is sometimes employed as an adjunct to arguments from 'complexity' of Type G, it stands alone in its efficacy as a means of *transferring ethical responsibility elsewhere*. It is also frequently used as a device for dissolving (or losing) an ethical issue in a vague and broadly-generalised context, where the matter in hand can again be put beyond reach or repair.

Very rarely – once in a blue moon – it may be employed by the user to *assume*, rather than to avoid, disown, or transfer responsibility. For example:

We condemn the current climate of hostility to children and young people. If something is wrong, the fault is not with them but with the adults, with us.

P. Graham, National Children's Bureau, *The Times*, 8/11/96

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I have divided the subject-areas in which the Type I 'not-us-but-them', or the 'not-this-but-that', evasion is employed into those of education, crime, drugs and other health matters, and a miscellaneous category.

1. Education

Here, the 'not-us-but-them' argument to displace, and transfer, responsibility to others is most often used by teachers and their union representatives. Thus, on moral education, 'Schools are not there to compensate for what the Church is failing to do' (school head of religious education, *Guardian*, 9/2/94); or, 'expecting teachers to reverse the trends set by society at large is unrealistic' (N. de Gruchy, General Secretary, NASUWT, *Guardian*, 31/10/97); or more crudely from the same source, 'Morality is caught, not taught' (N. de Gruchy, *The Times*, 24/10/96).

The argument is found to be a serviceable evasion both on left and right. On the one hand:

There is a limit to what schools can do in repairing a tattered, divided, and deeply unequal society.

Guardian, editorial, 22/11/96

And, on the other hand:

Many would regard it as unwise to bestow on teachers the responsibility of moral mentors.

Sunday Times, editorial, 7/7/96

All these are expressions of the game of 'pass-the-parcel' in matters of moral education: with parents, teachers, society, the government, and the Church each in turn finding responsibility transferred to them in an endless round of evasions. 'Moral is a word I usually prefer to leave to the Church' (J. Major, *The Times*, 19/9/96) is plainly in the spirit of this displacement game, although its crassness puts it in a class of its own.

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The 'not-this-but-that' argument – as distinct from the related 'not-us-but-them' argument – is common in syllabus and examination debates. Here it has been found helpful in attempts to displace practical syllabus aims, such as the 'reactionary' teaching of the 'three-Rs', in favour of 'something else', even anything else.

Thus, a teachers' union may express 'concern' that 'the existing emphasis [in the national curriculum] on speaking and listening will be sacrificed to hit targets for reading and writing' (NUT annual conference, report, *The Times*, 13/4/98); or, in a vaguer version of the 'not-this-but-that' evasion:

It is vital for children to come out with excellent exam results, but there are *other things* which should be provided.

emphasis added, headmaster, *Guardian*, 24/6/96

Or, again, in objection to the 'turning of schools into exam factories' – a characteristic abuse of language – the 'not-this-but-that' argument dictates a fear that there will be 'too little emphasis on pastoral care and a rounded education' (National Association of Head Teachers, conference report, *Guardian*, 28/5/98).

A grandiose variant of this type of 'wrong issue, wrong target' argument in education can be found in the assertion that educational failure is rooted in economic inequality among pupils rather than in the quality, or teaching methods, of the educator. Thus, in the matter of improving literacy and numeracy in schools, 'the best buy is putting [resources] into addressing socio-economic disadvantage rather than the education system' (P. Robinson, Centre for Economic Performance, LSE, *The Times*, 5/9/97).

This is perhaps the archetypal 'something else' counter argument in education. By means of it, the *moral responsibility* for educational performance, whether on the part of the teacher or pupil, may be transferred into the void.

2. Crime

'Not-this-but-that' and 'not-us-but-them' Type I evasions are also widely found in the transference or disclaiming of responsibility –

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whether in part or whole – for criminal acts, especially in connection with the rising incidence of violence. Thus, on the question of a gun-ban, which produced a rich crop of standard moral evasions in the wake of the Dunblane killings, ‘It is the person who must be rigorously controlled, not the gun’ (spokesman, British Shooting Sports Council, *Guardian*, 22/8/96).

Or, likewise, ‘It is the minds and the hands which direct the weapons that need reforming’ (W. Wyatt, *The Times*, 29/10/96); or, again, in refutation of moral objections to the publication of a ‘step-by-step guide for the would-be professional killer’: ‘Books do not kill, people do’ (H. Siegel, *Observer*, 8/9/96).

The argument that ‘something else’ is more significant and relevant than the particular matter in question is also widely used in resistance to crime prevention and crime control measures. Thus, on the proposal for child curfews, ‘Policies to help families are needed rather than curfews’ (C. Soley, *Guardian*, 3/6/96); or, this time from the right:

Concentrating on the means murderers use while ignoring the nature of the murderers themselves is not just idiotic. It is also dangerous.

Sunday Telegraph, editorial, 17/11/96

Or, on the ‘furore about knives’:

What we lack is not laws on knives but the social stability and security that does not predispose young men to carry weapons.

G. Slapper, *Guardian*, 26/10/96

In the latter two examples, the central ethical issue – the question of the right attribution of responsibility for the use of weapons in crime – is displaced with the help of the ‘not-this-but-that’ evasion into the formless void (‘the nature of the murderers’, ‘the lack of social stability and security’), where few or none can reach readily, or at all.

The ‘scapegoat’ argument, whose use has already been noted in ‘no blame’ evasions in general, is also widely employed in the ‘not-this-but-that’ denial of responsibility in matters of crime.

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Thus, again on the proposal to ban hand-guns, ‘they are scapegoating decent people for police ineptitude and they should address the real problems instead’ (R. Law, Shooters’ Rights Association, *Guardian*, 21/10/96).

It is in the nature of this type of evasion that the ‘real problem’ is always elsewhere.

3. *Drugs and Health*

Losing a particular and immediate ethical issue in a limbo, as by attributing responsibility for it to causes of vast and unfathomable scale – ‘human nature’, ‘inequality’ and ‘disadvantage’, and (more recently) ‘global’ forces are among the strongest runners – is widely practised in this field, too, by means of ‘not -this-but-that’ evasions.

Thus the government is warned, in the matter of drug use, that it would make ‘no progress’ in ‘tackling drugs effectively’ until the ‘conventional image of drug-taking is dispelled’ (Demos report, *The Times*, 5/11/97); which means, in effect, that progress will not be made for an exceedingly long time, if ever. Or, again, in rejection of a proposal to ban cigarette-advertising, ‘It is up to the public to change *life-style* following government health education’ (emphasis added, S. Dorrell, *The Times*, 14/8/96). At first sight, such evasions may seem to be transferring responsibility to where it truly belongs. Instead, they more often serve to consign a challenge to a remote distance, and to lose it *sine die*.

There are many variants of this practice of ‘not-this-but-that’ evasions in matters where private conduct raises acute ethical issues of public concern, issues which some (or many) would prefer to avoid entirely or displace elsewhere. Thus, in the abortion of one of a pair of healthy twins – already referred to – it was argued that:

Attention should *turn* to the kind of medical ethics which allowed it to come to light in the first place.

emphasis added, C. Bennett, *Guardian*, 7/8/96

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In this transference, it is not the ethics of *the act itself*, the abortion of a twin, but *the disclosure of it* to which – so it is proposed – moral attention should really be paid.

As ever, with the Type I mode of evasion, the ‘real’ issue in such ethical questions is ‘not-here-but-there’.

4. Other moral issues

The strategy by which responsibility or attention is redirected to something, somewhere, or someone else, or dispatched into the unknown, is found, sooner or later, in most topics of moral debate.

Do you, say, object on ethical grounds to euthanasia? Then:

Objections to euthanasia are trivial compared with the torture carried out in the name of life.

P. Toynbee, *Independent*, 9/9/96

Or, do you think that Internet providers, for example, have any moral responsibility at all for the pornography which they help to disseminate to the four corners of the world? If so, too bad. ‘We maintain a policy of common carrier’, replies one of Britain’s leading providers. ‘If someone complains, we just say, “We only provide the infrastructure, not the content”’ (S. Kennedy, *Guardian*, 30/12/95).

Or, to go back to older – and largely forgotten – moral ground, what about gambling, whose massive expansion in Britain since the launch of the ‘National Lottery’ is beyond doubt? Could the ‘National Lottery’ in any sense be *blamed* for this expansion? Of course not. ‘The implication that the National Lottery has caused the increase is not right. It is the deregulation of gambling generally’ (P. Davis, former director-general, National Lottery, *Guardian*, 18/9/96). That is, it is a vaster problem entirely. But it is also a problem located, as ever, elsewhere; on another terrain.

J. ‘People-in-glass-houses...’

The argument was much deployed from the left in assailing the Tories’ abortive ‘back-to-basics’ campaign. Versions of this Type J

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evasion are common; they would arguably be commoner but for the laws of libel. For example:

A government that had displayed a passion for justice, or a desire to help the downtrodden and defenceless might have been listened to with respect when its members started to reproach the public for its disregard of family values ... One that shows no real remorse for the poverty that it has inflicted upon a great swathe of the population ... can arouse only scorn when it starts to *preach* morality.

emphasis added, M. Dummett, *Guardian*, 12/1/94

Or, more crudely but with resort to the same strategy of counter-argument in moral questions:

Teachers and pupils alike will be sickened by the mind-bending hypocrisy of the sleaze-ridden Conservatives *lecturing* the nation on morality.

emphasis added, N. de Gruchy, *Guardian*, 28/10/96

Once more, a blockade is erected. Beyond it, no moral argument is intended to go.

K. ‘Everyone-does-it-(or-most-people-do)’

This is arguably the basest type of moral evasion in general use. It appears in various guises, including as ‘Others-are-equally-bad-or-worse’. The ‘no-blame’ and ‘scapegoat’ arguments (Chapter 4), as well as the employment of plain falsehood, frequently accompany or are bound up with it.

Thus, on the issue of the forty per cent of marriages which now end in divorce, ‘We no longer even feel shame about splitting up, because everybody’s doing it’ (D. Moggach, *Guardian*, 6/6/98); or, on Bill Clinton’s sexual conduct:

It is ridiculous. He definitely cheated on his wife and that’s not cool – but everybody does.

Madonna, *The Times*, 14/9/98

Or, on heroin abuse, ‘It amazes me how much more available it is now ... now loads of my friends use it. It’s part of the culture now’ (‘publishing assistant’, *Guardian*, 10/4/98); or, in an

intellectual version of the 'others-are-equally-bad' variant of this argument, directed to young women's increasing resort to violent crime, 'I would not consider it to be an alarming rise ... violence has increased among young men too' (A. Campbell, psychologist, Durham University, *Guardian*, 13/9/96).

However, the Type K argument is most frequently used by parents – and particularly by mothers – in defence of their children's misbehaviour. Thus, on the subject of her child's expulsion from school for striking a teacher in the eye with a missile, 'It was nothing out of the ordinary. He is just like any other kid' (*Guardian*, 14/9/96); or, a mother (once more) on her son, who had become a father at eleven-years-old, 'I don't think that he has done anything that any other child in this village wouldn't have done if they had the chance' (*Guardian*, 19/8/97); or, a father on his sons accused of 'running wild on a housing estate': 'My lads are no angels, but nor are loads of other children on the estate. We have been singled out' (*Guardian*, 12/11/97); here the 'scapegoat' argument is made explicit.

Again from a parent of a disruptive child, 'He is a challenge, but there are an awful lot of children who are a challenge' (E. Bennett, *The Times*, 28/8/96), which is essentially the 'everyone-does-it' evasion. Or, in a more oblique version, again from the mother of a disruptive child, but this time demurring over his punishment, 'What is good for one should be good for all' (J. Lawrence, *The Times*, 21/10/95); or, more pugnacious and again from a mother, after a strike-threat by teachers over her child's persistent violence and misdoing, 'I think it's disgusting to strike over my son. He is not as bad as they make out... There are children far worse than him' (R. Wilding, *The Times*, 13/4/96), an example of the 'others-are-worse' variant of this evasion.

All arguments of this type, Type K, have in common a refusal of moral responsibility, generally combined with self-exculpation. Frequently, blame of *others*, implicit or explicit, completes the case against the 'moralising' objector, real or imagined.

AN EXAMPLE

As I have indicated, these eleven types of argument or evasion may be used as *swiftly-changing alternatives*, and *in combination* one with the other. They are each intended to head off or to foreclose upon debate.

It is also notable, and unexpected, that women – mothers, female commentators in the media, sociologists, psychologists and others – should figure so largely, and polemically, among those who have recourse to the types of evasion I have identified. Indeed, the best examples of the use of moral evasions, and of the other stratagems and devices I have analysed, could be said to be found in the work of certain women columnists in the press. Thus, one can take a sample passage from one of them – chosen from a large number of similar alternatives – and identify multiple resort to the commoner evasions and abuses in moral argument of our day.

For example:

There is nothing governments can do to force unhappy people to live together [Type A]. Moral anguish [ABUSE OF LANGUAGE] will get the State nowhere [Type A, repeated]... Next time you read some catchy headline denouncing divorce as the mother of all misery ['LIE DIRECT'; there are no such 'catchy headlines'], just consider that whatever harm divorce may do, it doesn't begin to compete with the damage done by poverty [Type I].

And consider something else: behind all this research,¹² there lies a naked yearning [ABUSE OF LANGUAGE] for an imaginary bygone era of marital harmony and family bliss [Type F, and ABUSE OF LANGUAGE]. These studies never ['LIE DIRECT'] weigh up the value of divorce – the single greatest liberator of our times [ABUSE OF LANGUAGE].

P. Toynbee, 'It Did Work for Me', *Guardian*, 20/6/98

Within the space of a couple of column-inches, there can be found three of the principal types of evasion employed where ethical questions are at issue, as well as abuses of language and falsehoods. It is clear that a significant battle of wills is under way in the assertion and evasion of moral argument over a wide range of issues.

In this battle, the persistence and pugnacity of the 'moraliser's' foes know few bounds; and, in it, both truth and the general well-being – the latter already compromised and harmed by the phenomena to which I referred in Chapter 1 – may be said to be suffering further blows.

¹² The research paper referred to in this article is *Divorce and separation: the outcomes for children*, published by the Joseph Rowntree Foundation, London, June 1998.

RIGHTS, RIGHTS, AND RIGHTS

In November 1996, I read the following:

Prejudice against incest – as reactionary and cruel as prejudice against any other form of sexual activity between adults who consent to it – is still a menace.

P. Foot, *Guardian*, 4/11/96

Whereupon I re-read this passage several more times, in the belief – or hope – that it was a satire, or some other kind of joke. This was naive; it was not.

Astonishingly, behind this sentence also lies a clear claim to a *right*. And although it stands on the furthest shores of such claims, it is not so astounding after all. For there are many other wild claims to rights, engendered by the corruption of liberal ideals, which seem to know no ethical or civic limits.

These claims, whether to do as one wishes, needs and chooses, or, their cognate, to be protected from every accident and misfortune that life may bring, are now presented and pursued in many ways.¹³ But they are most often presented as 'rights', implicit or explicit, even if they be no more than desires and preferences, or personal 'life-style' whims and choices. They may

¹³ 'The challenge for the next century is to enhance the relevance and legitimacy of *human rights* as a means of articulating *individual's needs*, through the constant revision of law and its implementation' (emphases added, R. Wilde, *The Times*, 8/12/98), an assertion which moves from needs to rights without breaking its stride.

be claimed both as individual rights and as category rights – ‘gay rights’, ‘minority rights’, ‘squatters’ rights’ and so on – but in a more grandiose form they are claimed as ‘human rights’, and even as ‘fundamental human rights’.

There is now nothing defensive or oblique about the claims themselves. This remains so, however absurd or outrageous the rights – such as the implied right to commit incest – may be. About matters of right and wrong there is at the very best suspicion, insouciance, agnosticism and uncaring;¹⁴ at worst, there is a seeming contempt for the very argument of right-and-wrong itself, and an aggressiveness shown towards those who still concern themselves with drawing distinctions between them. But for rights – and more rights – there is a quality of uncritical and assertive ardour that is singularly lacking in the distinctions between right and wrong. ‘You cannot deny any minority their rights’, declares one such confident voice (P. Ripken, *Guardian*, 31/7/96).

Thus, it is asserted, ‘The right to life is not enough. We must have the right to refuse life too’, as well as the ‘right to die easily’ (P. Toynbee, *Independent*, 9/9/96). There is not merely a desire, or a need, for a child, but a ‘right to a child’ (*The Times*, 6/7/94). Indeed, so it is now regularly argued, there is a ‘right’ to motherhood regardless not only of marital status but of sexual proclivity also. Similarly, ‘same-sex partners’ are claimed to possess the same rights as married and heterosexual couples, as well as the right specifically to adopt same-sex children; and a gay teenager has won the right, in the English High Court, to be placed with gay foster-carers (*Guardian*, 26/6/98).

¹⁴ Such ‘apathy and indifference’ in relation to moral questions may also be ‘falsely presented as tolerance’, W. Brezinka, *Belief, Morals and Education*, Brookfield, 1994, p. 159. In turn, it is often the case in corrupted liberal societies that such tolerance ‘turns into ferocious hatred of those who have stated most clearly and forcefully that there are unchangeable standards founded in the nature of man and the nature of things’, L. Strauss, *Liberalism Ancient and Modern* ((1968), Chicago, 1995, p.63.

In other fields of rights claims, there has been an arduously asserted right to smoke in a non-smoking railway compartment (*The Times*, 24/5/97); in other jurisdictions, a claim pursued and won in an Ontario court, and won also from the New York subway authority, for a woman’s right to travel topless (*The Times*, 13/6/97). Students in Bangladesh have even claimed a right – not a desire, need, or want – to ‘cheat in exams’ and have rioted against those who sought to stop them (*Guardian*, 4/5/97).

Human rights now cover an ever-widening range. They include, for example, the ‘continuous improvement of living conditions’ (‘Eliminating World Poverty’, Government white paper, *The Times*, 6/4/97); or divorce (S. Jenkins, *The Times*, 15/6/96); or gay rights – ‘the gay rights agenda is a human rights agenda’ (M. Simpson, *Guardian*, 13/1/94); or a lowered age of homosexual consent (P. Tatchell, *Guardian*, 20/2/97); or even ‘human intimacy’ (C. Booth, *The Times*, 18/2/98). These are all ‘human rights’ or ‘human rights issues’.

In fact, many of these claims have merely to do with the *desiderata* or ‘wish-lists’, often unattainable, of human aspiration. Some of the claims, if their ends were gained, might make an equitable contribution to the well-being of society as a whole; others are foolish as well as unattainable, whether they be aggrandised or not as ‘human rights’. Other claims, even if equitable and attainable, cannot be made out to be ‘rights’ at all; while other claims again, if they were allowed to be ‘rights’, would arguably be damaging to, and even irreversibly destructive of, the interests of society as a whole.

But distinctions between various claims to rights, like the distinctions between right and wrong, are drawn with diminishing frequency in public debate, or not drawn at all. It is no coincidence. The failures to draw these distinctions are ethically and logically related. For the uncritical, and now generally uncriticised, pursuit of this or that claim, however extravagant or aberrant such claims may be, depends upon the absence of

distinctions – or even attempts to make distinctions – between right and wrong. Indeed, it may be said that the ‘culture of rights’ has flourished in a moral vacuum, and has gained much of its strength from it.

The evidence for this can be found, for example, in recent actions in the English civil courts brought by a range of plaintiffs, including parents, ex-patients, current and ex-students and pupils, teachers and others. Variousy alleging breach of contract, negligence, breach of statutory duty and other grounds, they have sought compensation – sometimes winning large amounts in damages – from an equally large host of defendants, many of them public authorities of one kind and another.

At issue, increasingly often, are *not* objections, *prima facie* justifiable, to the blameworthy conduct of a harm-doer, where the public good would be served by the attachment of blame to the defendant. Rather, they can be seen, once more, to involve a claim to a right. These include the right to evade the consequences of one’s own misconduct while attaching blame to others (cf. Chapter 4); the right to complete safety from harm, whether to mind or to body, to feelings or to life-prospects; the right to the satisfaction of a widening range of personal needs, wants, and expectations; and the right to a monetary reward from the other, should either of the two preceding rights be infringed.

The main types of such implicit ‘rights’ actions against public authorities can be categorised and exemplified as follows:

1. Actions against education authorities, schools and teachers

These have included, among many similar instances, actions and claims for the effects of school-bullying; for failure to recognise the plaintiff’s learning difficulties; for poor examination results in a school labelled a failure by inspectors; for failure to carry out school repairs, putting the plaintiff at hazard; for disruption to the plaintiff’s education as the result of a teachers’ protest; for the consequences of expulsion from school following the plaintiff’s

continuous misbehaviour against teachers; for suffering sunburn during practice for a school sports day (one of the many actions for damages in this category which was successful); for the consequences to the plaintiff – who had 92 convictions while still a schoolboy – of his not having been sent to a school for gifted children; and for the bullying suffered by a plaintiff-teacher at the hands of his colleagues.

2. Actions against health authorities, hospitals, doctors and other therapists

These have included, among many similar instances, actions and claims for allowing the plaintiff’s child to be born (implying the ‘right to refuse life’, mentioned above); for the consequences suffered by a plaintiff-doctor after pricking her finger on a hospital needle (an action which brought almost £500,000 in damages); for an unplanned pregnancy after a vasectomy; for severe ‘grief reactions’ on the plaintiff’s discovery that doctors had ‘covered up a blunder’; for refusal – by a health authority – to pay for a sex-change operation; and for the failure to provide the plaintiff with therapy costing £10,000 per annum.

3. Actions against the Home Office, the police and the prison authorities

These have included, among many similar instances, actions and claims for ‘traumatic stress disorder’ after the plaintiff, a volunteer chosen for the purpose, heard the confessions of the murderer Fred West; for distress suffered in witnessing rescue work carried out at the scene of a stadium accident; for an attack suffered by the imprisoned plaintiff at the hands of other prisoners; for trauma, shock and distress on the plaintiff seeing her boy-friend, a suspected drug-smuggler, shot; and for compensation for police failure to act on a threat of violence.

As the scope of these types of action widens, despite intermittent resistance – police officers who attended to victims of the 1989 Hillsborough disaster were, for example, refused compensation by the House of Lords for trauma (*The Times*, 4/12/98) – a plaintiff footballer has sued another player and the latter’s football club for

the consequences of a tackle; a tour company has been sued by most of an aircraft's passengers, who were otherwise physically unharmed, for 'post-traumatic stress' and 'psychological scarring' after their aircraft slewed off the runway on landing; a vegetarian chef, rather than changing jobs, has won the right not to cook meat or fish; a bus company has been sued for the price of a taxi-fare after a bus failed to appear; and so on.

In these actions, implicit claims to rights may succeed at law whatever their cynicism and lack of moral scruple. Under them, and in an abyss where considerations of right and wrong no longer have much purchase, a culture of rights already prevails, and without the further benefit of the 1998 Human Rights Act. Indeed, this statute is likely to enlarge the scope of such 'culture', under which the transfer of blame increasingly becomes the norm, while the acceptance of moral responsibility by complainants recedes.

'Group litigation', for example on the part of disappointed holiday-makers, is also advancing. Indeed, a European Union directive gives package-tourists rights to sue tour-operators for 'everything that goes wrong abroad' (*The Times*, 25/4/98). The government's Law Commissioner, too, recommended in March 1998 that those who suffer 'psychiatric illness' after witnessing, or hearing of, a relative's death – even on television or radio – should be able to claim compensation. (*The Times*, 10/3/98).

Life's ordinary stresses and distresses, disappointments and set-backs – indeed, almost every kind of human travail, from cradle to grave – are thus increasingly being made to rebound on authority. That is, the burden of these incidents and accidents of life is being disproportionately transferred from us to 'them'. Thus, when an airline passenger overslept and flew two hundred miles beyond his destination, his first thought was to 'sue the airline'. Why? 'Because they would not accept responsibility for what had happened' (*The Times*, 5/2/96).

In a rights-based and rights-conscious society, where the citizen decreasingly permits the morality of his or her choices and actions

to be questioned, it is the 'moraliser' who is condemned. It is the 'moraliser's' arguments that are evaded. We have thus set in train not the strengthening of civic society, but its further breaking on the wheel of 'rights'.

At the same time, the moral discriminations upon which our sense of right and wrong depends – *including in the matter of rights* – are being displaced by the moral primacy given to our (often gratuitous) wants, claims and desires, whatever they may be. And all this under conditions of profound moral challenge.

CONCLUSIONS

THIS EFFORT – to erect a ‘culture of rights’, and to discredit the moral culture, institutions and bonds upon which a civic society rests – can only be sustained by lies. They are lies of the same character and reach as those that sustain the struggle against the ‘moraliser’ and the ‘moraliser’s’ system of values, or moral code. Indeed, since many claims for rights have no morally justifiable foundation, nor even a beneficial possible outcome, they must be bolstered, if they are to make their way among us, by falsehoods.

‘In history there have been no societies’, declared Karl Popper, ‘in which men have been able to live as freely as they do now’;¹⁵ as in Britain for example. Against this view there has been directed for some years a stream of lies: that our liberty consists in being free to behave as we choose; that the *denial* of the ‘right’ to do anything that suits us represents a threat to freedom itself; most brazen, that Britain is not a free society, but an ‘ancien regime’ populated not by citizens but by ‘subjects’ (e.g. J. Gray, *Guardian*, 15/7/97 and P. Riddell, *The Times*, 7/7/97); and that such ‘subjection’ – or even ‘serfdom’ (P. Toynbee, *Guardian*, 30/11/98) – can be remedied only by constitutional upheaval, and by the securing and entrenching of ‘human rights’. Moreover, it is as if some believed, or (pursuing their lobby interests) made pretence to believe, that only the continuous expansion of individual rights would bring us to a perfected civic condition. The opposite is the case. It is the route

¹⁵ *La Lezione di Questo Secolo*, Venice, 1994, p. 79 (author’s translation).

back to that state of nature from which civic society, so it was argued by the classical philosophers, has emerged.

More particularly, the ‘lie direct’, reappearing in this area of our moral wasteland, declares the British Constitution to be ‘dead’ (A. Barnett, *The Times*, 3/6/98); asserts that the ‘tradition of citizenship’ in Britain is ‘weak, even non-existent’ (W. Hutton, *Guardian*, 13/2/95); insists that ‘our freedoms’ are ‘increasingly restricted’ (K. Malik, *New Statesman*, 6/9/96); and pronounces that ‘we haven’t escaped much from the mediaeval repression of activities and ideas’ (T. Benn, *Independent*, 30/11/98).

None of these three assertions is even remotely true. The truth, rather, is that ‘our freedom permits us to insult the free society’.¹⁶ And thus licensed, the stream of false argument continues. It tells us that a ‘culture of rights’, which we already have, is needed; or (Liberal Democratic Party manifesto, *The Times*, 4/4/98) that to ‘promote the powerful citizen’ – whom we already have, armed with a plethora of liberties, entitlements, privileges, rights, public resources and choices – is an urgent and necessary objective of political action.

For what the citizen already has, including a growing freedom from moral commitment and moral judgement, is evidently not enough. In our moral chaos of competing wants and dutiless desires, we must also have a new ‘package of positive rights’ (F. Gibb, *The Times*, 26/10/98), embodied in statute and incorporating the provisions of the European Convention of Human Rights. We must, in addition, set up a Human Rights Commission in order to ensure that a ‘climate of respect for human rights is fostered’ (Lord Lester, *Guardian*, 12/11/98), as if we were lacking in such respect. Such a commission will also see to it – as if Britain were North Korea or Burma – that ‘human rights are routinely observed’ (Lord Woolf, *The Times*, 27/10/98). But this, too, is insufficient, for we need ‘nothing short of a national civil rights

¹⁶ *Ibid.*

movement' in order to 'provide the impetus to translate words into practice'(M. Mansfield, *Guardian*, 13/11/98).

But turn immediately from this morally-unquestioning and doubt-free advocacy of human rights into the shadows, where cynicism and evasion set to their work in all matters of right and wrong. Here we will find it asserted that 'history... taught properly... should foster moral reasoning, though not received moral values' (L. Grant, *Guardian*, 20/1/97);¹⁷ that even a 'lecturer in Christian studies' can 'question the assumption that Christianity is a form of morality' (L. Woodhead, *Guardian*, 14/11/98); and that the question is asked 'How do you set moral standards when there aren't any?' (B. Maddox, *The Times*, 7/5/97).

There have, of course, always been degraded circumstances in which many 'scarce feel the difference between vice and virtue', as Hume put it in one of his *Moral Essays*,¹⁸ while 'some go so far as to deny the reality of all moral distinctions'.¹⁹ It is plain enough that we live in such circumstances now, when a 'professor of English and Cultural Studies' can declare that 'nothing is valuable in itself and never was' (A. Easthope, *Guardian*, 20/1/97) – but what, professor, would you say about 'rights'? – and when a 'philosopher' can announce, on the subject of 'the difference between right and wrong', that 'there has never been consensus as to what the difference is' (G. Keene, *Guardian*, 17/1/96).

In these shadows, academia makes, or is able to make, few coherent or accessible contributions to public moral debate²⁰ – it adds to the moral darkness, rather – while the churches have rarely

¹⁷ Thus does the casual press commentator seek, in an aside, to legislate for us in matters of morality, while decrying the 'moraliser'.

¹⁸ Hume, 'Of the Study of History', *Essays, Moral, Political and Literary* (1777), Indianapolis, 1985, p. 568.

¹⁹ op. cit., p. 567.

²⁰ Most, instead, are given to what Hume called 'unintelligible disputes, which are not worth the reflection of a man of sense', 'Of Superstition and Enthusiasm', op. cit., p. 79.

been so impotent and tongue-tied. Even a church-leader, today, can pronounce 'moralising' to be 'one of the least attractive of human characteristics' (R Holloway, Bishop of Edinburgh and Primus of the Episcopal Church, *The Times*, 16/11/95).

But these are also times in which libertarians themselves are confused about which freedoms they approve and which they do not. Yet, despite their own confusion, they are not deterred from regarding with distaste, as 'authoritarian', all attempts to fashion anew, or to repeat, the common moral rules by which a disintegrating social order might live.

With evasion and falsehood widely employed to give the slip to the very idea that such common rules can and should exist, or that the term 'moral order' has any but an oppressive meaning – if it has a meaning at all – we have thus arrived at a distinctive situation, 'pickle-jar babies' and all. It is one in which there has not been, since the French Revolution, a greater concern for, and insistence upon, the promotion and expansion of individual rights in an already deeply-free society; in which we have a culture of rights on the one hand, and cynicism about the distinctions between right and wrong on the other; and in which there appears to be no doubt at all about the one, and every doubt – assiduously promoted – about the other.

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