https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

A SUBJECT OF DISTASTE; AN OBJECT OF JUDGMENT

By John Haldane

> It really is of importance, not only what men do,
> but also what manner of men they are that do it.
> —J. S. Mill, *On Liberty*

I. The Private and Personal Lives of Public Figures

In recent years it has become increasingly common in the United States and in the United Kingdom for newspapers and other media to expose problematic aspects of the private lives of political (and other public) figures; or, since the facts may already be in the public domain, to draw wider attention to them and to make them the subject of commentary. These "problematic aspects" may include past or continuing physical or psychological illness, eating disorders, drug and alcohol abuse or dependence, financial difficulties, family conflict, infidelity, or certain sexual proclivities of both the political figures themselves and of their family members or intimates. In the United States, the most prominent cases are probably those of President Bill Clinton in relation to a series of alleged extramarital affairs leading up to the scandal involving White House intern Monica Lewinsky, and of President John F. Kennedy, also in relation to marital infidelities. The latter exposure was, of course retrospective, as were revelations of similar matters concerning other presidents and holders of high office. Up until the mid-1960s, while it was sometimes known to the press that politicians had "problems" in their private lives, it was rare for these to be made public. Sometimes it might be reported, or more likely hinted, that a figure had a "complex" or "difficult" personal life, and the public was left to infer whatever it might from this (generally concluding that infidelity, alcoholism, or both, were probably at issue). The recent culture of exposure results from a combination of factors, including changed attitudes toward public discussion of sexual conduct, changed standards of sexual behavior, recognition of the scale of Cold War espionage and of its practice of blackmail, a general decline in social deference, a threat to the print media posed by the growth of television, and the rise of satirical entertainment. All of these elements were present in the case that marked the establishment of the culture of exposure in the U.K.: the 'Profumo scandal' of 1963. For those unaware of this episode, it may be sufficient to say that it involved the then-secretary of state for war, members of the British aristocracy, a Soviet naval attaché,

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https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

and a number of "society" call girls, and that it contributed to the resignation of Prime Minister Harold Macmillan and the subsequent fall from power of the Conservative Party.[1] In the United States, the culture of exposure developed somewhat later and took shape in the period of the Watergate scandal, which damaged the American public's perception of the governing classes just as the Profumo scandal had in Britain.

The reticence in reporting and commentary characteristic of the first half of the twentieth century was largely cultural; that is, it was a matter of general discretion and of judgment as to what it was decent to say of someone, and of what information was fit matter for reception into family homes. No doubt, however, it also expressed a degree of solidarity among members of the political class, and of self-interest on the part of journalists who could not afford to lose access to sources. These considerations now apply far less extensively: the idea of restraining reportage on the ground of respect for the parties in question, or out of regard for readers' sensitivities, now seems remote and almost quaint. Memories of the Clinton scandal being securely fixed in public consciousness, I need not cite the sort of salacious details that are now commonly reported in newspapers or in other media. Suffice it to say that they presume on the part of audiences very different attitudes regarding what are tolerable, let alone welcome, subjects of public discussion. As for solidarity and mutual interest, the intensity of competition within and between the various media, which has been made all the more intense by the development of the Internet, is now such that no reporter is likely to forgo an opportunity to relay a scandal for fear of losing subsequent access to sources. Everyone talks, everyone wants to talk, and everyone wants to listen—or so it can seem.

As in the United States, so in the United Kingdom: as memorable as Clinton's problem-strewn career is the troubled life of Princess Diana, which, like the former, was charted in ever increasing detail. This coverage was the subject of some complaint, and following her tragic death there was much talk of curbing the trend to report and comment on the private lives of public figures. However, this talk was without discernible serious intent and certainly without effect. The year of the princess's death also saw the election of the New Labour government; since then, several of its leading figures have seen aspects of their lives, and those of their families and intimates, become the subject of intensive reporting and commentary. The press has carried accounts of Prime Minister Tony Blair's wife's property dealings with a "confidence man" and the public intoxication of Blair's son; of a Home Secretary's son's attempted drug dealing; of the Lord Chancellor's son's drug addiction and associated prosecution in the U.S.; and of a Foreign Secretary's extramarital affair, as well as

[1] For details of this and other scandals involving members of both houses of Parliament, see Matthew Parris, *Great Parliamentary Scandals: Four Centuries of Calumny, Smear, and Innuendo* (London: Robson Books, 1996).

reports of the personal peccadilloes of other lesser government officials. The press has also raised the issue of people's sexual proclivities to the point where a shadow cabinet contender for the leadership of the Conservative Party admitted to a homosexual past, and another front-bencher confirmed his settled gay identity. Assuming that members of the royal family also count as political figures in the context of a constitutional monarchy (in which one party or coalition governs at the sovereign's pleasure and another constitutes Her Majesty's loyal opposition), the list of subjects of exposure, dissemination, and commentary must include the marital difficulties of three of the queen's children, as well as the behavior of other royals.

Such are some of the facts concerning the presentation and discussion of public figures' private lives. How should one judge these facts? It is pretty clear that any reasonable answer will have to take account of circumstances, form, and content. That is to say, some methods of acquiring information about public figures violate norms of justice by being intentionally deceitful or otherwise dishonest, or by involving threats. Also, some forms of exposure or public presentation are so gross and gratuitous as to be beyond principled defense. Had, for example, explicit photographs of Ms. Lewinsky and President Clinton been taken during their intimacies, it would have been quite improper for these to be made public, for they would be shockingly offensive, and such obscenity would serve no clear public purpose not already achieved by general verbal reports of the sort of thing that took place (whatever that public purpose might have been).

Again, some matters are so far removed from a public figure's office, or from the exercise of his or her duties, that no case for revelation or publication can be made from the side of public interest (as against public prurience). It may be of relevance to know the state of the lining of the president's bowels, inasmuch as this bears upon his capacity to carry on the work of his office, but it is hard to conceive a likely circumstance in which it would be relevant to know of the size of his private parts. (That said, however, it is reported that at least one postwar occupant of the Oval Office was keen to draw attention to this aspect of himself, and it might well be a matter of public interest to know about *that* behavioral fact.)

Similarly, while some matters may be of sorts that are relevant to evaluating the conduct of public figures, revelation may still be ill advised. Even if the means of acquiring such information were not unjust and the proposed manner of presentation would not be gratuitously sensational, it may well be the case that other concerns outweigh the benefits of revelation. The interests of third parties might be such that publication would irreparably damage them. The cost of these unintended but foreseen secondary effects of otherwise legitimate exposure may simply be too high. Public humiliation is a terrible thing and it ought not to be occasioned lightly.

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

II. An Initial Dialectic

So much will readily be agreed, I think, even when it is accepted that there is a general liberty of public speech and a particular freedom of the press and media (whether derived from general liberty or independent of it) to report and comment upon what, in good conscience, they judge to be appropriate subject matter. But what of other cases in which the foregoing objections to revelation do not hold, or in which further considerations may defeat them? Among the most common grounds given in justification of exposing or making more widely known private problems are the following.[2]

First, that public figures are in a categorically different position from other members of society. They stand upon a stage, presenting one or other aspects of themselves to the populace or some constituency within it. Like musical or theatrical performers, or street or media evangelists, their occupancy of the public realm is not *per accidens* but *per se*, and as such their lives may legitimately be inspected and commented upon. In short, the right of privacy is implicitly relativized to a status or role, and it diminishes in scope as these features become more extensively public.

Second, that while all persons have a general interest in privacy, and perhaps, thereby have a right to keep personal information undisclosed or closely confined, this establishes a defeasible presumption of privacy, not an absolute entitlement to it. This presumption lapses when disclosure serves some relevant and pressing public interest. The state of health of the commander in chief evidently bears upon matters of public interest, as does the fact that a legislator's personal circumstances provide an immediate incentive to favor (or disfavor) relaxing prohibitions on activities in which he, his family, or his close associates are involved. Likewise, the fact that someone's reputation for honesty, reliability, and so on, is a fabrication sustained by publicists and is belied by a personal history of deceit, duplicity, and disloyalty, provides reason to disclose relevant aspects of this history in the service of disabusing the public of its illusions. (It is here allowed that this category of warrant for disclosure may not be conclusive, for other interests may prove countervailing.)

Third, it may be supposed that some general public good is realized by the disclosure of personal details where these provide entertainment or satisfaction. This justification can be developed in a variety of ways—some high, some low, some simple, some complex—but the basic idea is that people benefit from learning of the lives of others, and this benefit can only be common and extensive where the others in question are public figures.

[2] This initial taxonomy of justifications for public disclosure follows David Archard's discussion in David Archard, "Privacy, the Public Interest, and a Prurient Public," in Matthew Keiran, ed., *Media Ethics* (London: Routledge, 1998). Archard suggests that public gossip about the private lives of individuals may serve a valuable social purpose.

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In Section IV below, I proceed to a further kind of justification that is related to all three of those given above, but that is more complex and is linked to a particular philosophy of common public and political life that would now appear to be virtually moribund, namely, traditional conservatism. In this kind of justification, four considerations are prominent. First, political morality supervenes upon a range of normative social relations that imply various mutual responsibilities. Second, there are different, reasonable expectations associated with different roles and stations. Third, the character of public agents is of legitimate interest because of their special normative relationship to others. Fourth, we learn about ourselves and develop apt responses by viewing the lives of others, and people with public roles provide salient and influential examples. In showing how these four considerations cohere as part of a single account, one needs to see how freedom and value, and individuals and society, stand in relations more or less opposite to those in which they are now commonly conceived. Thus, to help illustrate the relation between individuals and society, for example, the family might be analogized to a complex organism, the parts of which function and enjoy life through their contribution to the life of the whole. While the limits of such a comparison should be evident even to those who favor it, the point that I wish to make is that for the traditional conservative a comparison such as this makes better sense of his experience and understanding of society than do discussions of individuals and their relationships in markets, contracts, and wholly voluntary associations. Before pursuing the kind of justification linked to traditional conservatism, however, let me acknowledge three rather obvious responses to the three grounds given above for exposing or making more widely known hitherto private aspects of the lives of public figures.

First, those who find themselves the objects of public interest may do so in virtue of public offices that they have chosen to pursue, but, equally, they may not. The occupant of the Oval Office arrived there by having placed himself before the American public and having sought and won electoral approval; this is not true of Britain's Queen, nor of the immediate members of her family. However, while the resources of hereditary office may provide some protection from or compensation for the liability to probing investigation, there are likely to be no such mitigating factors available to those who find themselves unexpectedly drawn into the limelight in consequence of special circumstances or associations. The lover of someone who murders children, and who herself has been party to consensual torture at his hands, may have chosen her intimate unwisely, but she is not, on that account alone, fair game for exposure, any more than are countless others who find themselves in undesirable relationships. Even those who have sought the limelight might have done so on the implicit understanding that it was

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this or that aspect of themselves that was to be displayed for appreciation and criticism, and not other, "reserved" features. The sportsman who seeks employment and reward on the basis of his physical prowess does not by this fact alone render himself a legitimate target of inquiries into his marital fidelity or financial competence. The principle 'if public then fair copy' has no credibility, save to the extent that it represents an elliptical reference to some other, more feasible but limited justification.

Such a justification may be forthcoming under the heading of the second category of warrant, namely, public interest. There are documented cases where the competence of public figures has been chronically impaired due to causes that, like the impairment itself, have been kept secret from the public. Likewise, there are known cases where public figures have sought to change laws for reasons of personal interest. There are also on record cases where the reality of a public figure's life gives the lie to each and every claim to merit or virtue that he had presented in his public declarations. All such cases provide some warrant for disclosure and commentary, but for every example like these there are twenty or thirty or a hundred specious defenses along the following lines. *"The man is a drunk or has a chronic illness."* Well, we are all in some way or another and to some degree slaves to our appetites, and it is too easy to point to a single impediment or addiction, overlooking a spread of vulnerabilities or dependencies. Likewise we are all prone to sickness, to days off, and to impaired efficiency, and we may be less aware of the fact and the effects of these, and less diligent about managing and compensating for them, than is someone burdened with a significant and continuing health problem. *"She favors relaxation of the ban because her son is in violation of it."* Might not the experience of her son's situation have drawn her attention to a legislative situation that she had not previously considered, thus leading her to see its iniquity? *"He criticizes pornography but then spends time with it."* Is not the troubled sinner well placed to recognize the vice and the viciousness of his sin? May not his verdict be more valuable than that of one abandoned to temptation, or of another impervious to it? The overall point is clear, I hope: here, we are in the field of particular cases, not of a general justification.

The third would-be warrant for disclosure, publicization, or commentary—that some public good is served by entertaining or otherwise satisfying people's curiosity—is liable to shock those who take themselves to be formed of finer material. The simple fact, however, is that humankind does delight in tales of fracture and dislocation, the more so when these involve abandonment to base appetites or expose inabilities to cope. This datum is not easily explained, but only the ignorant, the ideologically blinded, or the self-deceived would deny it. The relevant rejoinder is not that it isn't so, but that its being so provides no more

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warrant for disclosure than does the fact of our common baseness provide justification for gratifying it.

III. Individuals and Institutional Contexts

Thus far, then, I have considered how the circumstances, form, and content of the disclosure or broader dissemination of personal information might render the exposure unjustified and reprehensible. I have also considered grounds on which the presumption of privacy or confinement might be defeated. To carry the discussion forward, I shall next describe two examples (both real), and discuss the ambivalence some decent and conscientious souls might feel in contemplation of them.

First, it happened not so long ago that someone stood for the leadership of a major political party in the U.K. who had been viewed with favor by a former leader of that party who was very widely admired within (and beyond) it. The candidate's personal life, however, at least in the past, was at odds with the values of the majority of the party and probably of the majority of its core supporters. In addition, there was reason to think that the candidate's moral opinions were likewise at odds with the party and its followers, though he was cautious about how he expressed himself and could not be quoted as publicly endorsing views considered to be anathema by those sharing the party's traditional outlook. The party being one that favored discretion and decorum but also upheld traditional personal morality, its members felt themselves in something of a bind: Would it be permissible, let alone proper, to advert to facts about the candidate's personal life in public discussion of his suitability for the leadership of the party? (The matter was never fully resolved in the minds of the faithful. Later, a senior member of that same party revealed in her memoirs that she had had an affair with a previous [married] leader, who had subsequently become Prime Minister.)

In the second, more recent example, the generally well-liked leader of another British political party was the subject of an extended interview on the BBC's principal television news and current affairs program. The purpose of the interview was to review the progress of the party since the general election and to assess the interviewee's leadership. In the course of the program, the interviewer, who is known for his generally combative style, surprised his guest and viewers by commenting that when he and his researchers were preparing for the interview, they were advised that the leader might well be drunk, this being purportedly his common condition. Having announced this, the interviewer then asked the leader how much he was liable to drink in the course of an evening, and whether he thought that he drank too much. In reply, the guest managed about as well as any human being might in such unexpected circumstances, and in the following days there was much commentary to and fro on the matter.

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The leader survived the controversy, but no one can doubt that he suffered, whether in public repute or in personal embarrassment. Setting aside questions on the accuracy of the report of his drinking, and on whether, if true, the drinking impaired his fitness for office, broader issues arise about the manner of this disclosure and its relation to the character and quality of British public culture. (One MP from the governing New Labour Party complained in Parliament that the questioning was "highly personal and irrelevant to political debate." In response, the Leader of the House of Commons acknowledged that "[many MPs were] taken aback and distressed at the degree of personal questioning." The original interviewer was then moved to offer the following, less than fulsome apology: "I am sorry if any offence has been caused. Maybe there was one question too many on drink." Some will think that one question was one too many.)

Here, it is important to be aware that the BBC is a national public broadcasting service, free of commercial advertising and funded out of a compulsory U.K. license fee payable subsequent to the purchase of a television. The BBC was established and is regulated under a series of royal charters dating from 1922; its governors are appointed by the Crown to ensure that, among other things, it "maintains the high standards and values expected of the BBC as the nation's broadcaster." The formal opening declaration of the current charter serves as a reminder of the constitutional context within which the BBC is located: it begins, "Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith," and later continues

> in view of the widespread interest which is taken by Our Peoples in broadcasting services and of the great value of such services as means of disseminating information, education and entertainment, We believe it to be in the interests of Our Peoples in Our United Kingdom and elsewhere within the Commonwealth that there should be an independent corporation which should continue to provide broadcasting services.

The historic and continuing main home of the BBC is Broadcasting House in London. In the marble entrance hall stands an untranslated Latin inscription:

> *Templum hoc artium et musarum Anno Domini mcmxxxi rectore Johanni Reith primi dedicant gubernatores precantes ut messem bonam bona proferat sementis ut immunda omnia et inimica paci expellantur ut quaecunque pulchra sunt et sincera quaecunque binae famae ad haec avrem inclinans populaus virtutis et sapientiae semitam insistat* (This temple of the arts

> and muses is dedicated [to Almighty God] by the first governors in the year of Our Lord 1931, John Reith being the Director General, and they pray that good seed sown may bring forth good harvest [and] that all things foul or hostile to peace may be banished hence, and that the people inclining their ear to whatsoever things that are lovely and honest [and] whatsoever things are of good report may tread the path of virtue and of wisdom).[3]

It is very likely that a far greater percentage of the early generations of BBC studio and management staff would have been able to construe all or part of the meaning of this inscription than could their counterparts in Broadcasting House today. More importantly, it is very probable that whether or not they could read the Latin original, those earlier generations would have recognized, if only in general terms, the New Testament origins of the metaphor and of the message, drawn respectively from Christ's parable of the sower (Matt. 13) and from Paul's instruction to the Philippians. "[B]rethren, whatsoever things are honest, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things" (Phil. 4:8).[4] Finally, it is highly likely that most of the early BBC staff members agreed with the message, and that they embraced and implemented its ideals. From the outset, and under Lord Reith's strong direction, the BBC cultivated a high-minded public service ethos, which saw broadcasting as contributing to the common good of the nation by enlightening and improving the minds and morals of its listeners.[5] In this connection the BBC was involved with the Adult Education Movement and began the practice of broadcasting a daily Christian religious service. Certainly the type of ennobling programming that the BBC was long associated with conformed to the ideal of the common good.

Current BBC output indicates how far the corporation and the culture have come from Lord Reith's lofty conception of public broadcasting. Even those in the BBC who certainly would not share his Calvinist puritanism and opposition to unalloyed entertainment are increasingly given to worrying about whether the corporation retains any significant public service vocation. All of this noted, however, the example of the party leader challenged over his drinking, like the preceding example of the would-be leader with a "problematic" personal past, is a case where a figure who is already in the political sphere seeks further popular support and in this context is subjected to public inspection. Is it unreasonable

[3] My translation, deploying the language of the King James version of the biblical phrases.
[4] I follow again the language of the King James version.
[5] For an account of the aims and values of the BBC as Reith himself conceived them, see John C. W. Reith, *Broadcast over Britain* (London: Hodder & Stoughton, 1924). For a more impartial and rounded account, see Asa Briggs, *The BBC: The First Fifty Years* (Oxford: Oxford University Press, 1985).

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

that in such circumstances the issue of sexual ethics should be introduced or the matter of intemperance raised?

IV. Contexts, Ideas, and Values

Anyone who studies the history of philosophy, or of ideas more generally, from a period when people held presuppositions very different from his own—say, the period of classical antiquity, or of the patristics, or of the high Middle Ages—is likely at some point to be struck by the inadequacy of his own contemporaries' understanding of the past. He may come to regard their flawed understanding as due, in no small part and perhaps overwhelmingly, to their failure to understand the premises commonly deployed by thinkers of that other time. These premises may, but need not have been entertained as self-evident. On the contrary, they may have been regarded as hard-won insights. Some examples of the latter are the idea that nature is teleologically ordered and, hence, is implicitly normative; the idea that existence is analogical, such that individuals, families, principalities, and cultures all *really* exist, be it in a different way in each case; and the idea that knowledge may be acquired by co-naturality as well as by empirical discovery or theoretical inference. These ideas are not always expressed, let alone articulated, in contexts in which they are relied upon, hence the liability of later thinkers, missing what may have been essential, to dismiss the ideas of earlier times as inadequate to the problems that still confront us, or even as inadequate *tout court*.

This reflection was brought to mind when I was thinking about the serious difficulties that now confront moral and political conservatives of a certain type or family of types. In Britain and America, the second half of the twentieth century saw a long war between Right and Left in which, by the 1980s, the Left was defeated. The victory was in the field of political economy, but so convincing was it that conservatives could easily have thought that it was only a matter of time before other ground would be retaken. Those who did think so were wrong. What became apparent as the smoke cleared and the generals gathered their troops, was that the forces of the Right were massed in two camps, standing at quite some distance from one another: in one camp stood economic/social liberals, in the other social conservatives. Alternatively, if both are to be termed 'conservatives' (because of their common suspicion of generalized claims of social justice and their wish to conserve older modes of material acquisition, use, and retention in the face of radical redistributivists), then we should follow the American practice and distinguish them as 'economic' and 'traditional' conservatives, respectively.[6]

[6] For a taxonomy and description of the different styles of contemporary conservatism in the United States, see Charles W. Dunn and J. David Woodward, *The Conservative Tradition in America* (Lanham, MD: Rowman & Littlefield, 1996).

The fact and the extent of their differences were to some degree obscured by their history of shared opposition to domestic state socialism, and by their structural relationship within political parties (in Britain the Conservative Party and in the U.S. the Republican Party). These parties were committed to protecting "traditional ways of life" from the threat posed by international Communism. Once this threat receded, however, it became clear that the Right was divided between those who thought that the defeat of the Left should bring a restoration of the social forms that had been celebrated in popular imagery, literature, and broadcasting during and after World War II, and those who thought that liberty, not virtue, was the business of politics. Many in the latter group had little interest in the social modes of the past. Examples of this division include attitudes toward sexual and family issues, reproduction, abortion, euthanasia, drug control, arts funding, public support and censorship of broadcasting and publications, separation of church and state, public support for religious schools and other faith-based services, and so on. While the division is twofold—first, concerning the issues themselves, and second, concerning the proper role of government in relation to them—it is the prevailing views on the issues that most concerns traditional conservatives.

The general drift in political discourse in the English-speaking world has moved through four phases. The first phase consisted of judging that government (be it state and local, or national) had a responsibility to promote personal rectitude. In the second, people thought that while something might be morally right, it was not the business of government to promote or inhibit individual virtue (other than that pertaining to regard for the rights of others and for the rule of law). The third phase was one of uncertainty in which people were unsure about what might be right in this or that regard. Hence, they concluded that these were matters for individual conscience and not public policy. In the fourth phase, people reasoned that there simply were no moral-cum-political issues of the sort hitherto supposed, or that if there were such issues, then they would fall within the realm of individual autonomy and personal choice; hence, they would fall either outside the scope of law or within it as matters to be protected as liberty rights. (Any attempt to identify phases in this drift of political thought and culture is liable to be imprecise, given that the four phases described above have not always been made explicit and they remain in contest. Nonetheless, lines can be traced, both socially and intellectually, as, for example, in the history of the American Right, with the four phases exemplified by the writings of Alexander Hamilton [1757–1804], Andrew Jackson [1767–1845], H. L Mencken [1880–1956], and Murray Rothbard [1926–95], respectively.)[7]

[7] For an account of these developments, see again Dunn and Woodward, *The Conservative Tradition in America*, and the classic presentation of a form of Burkean conservatism by Russell Kirk, *The Conservative Mind* (London: Faber & Faber, 1954). See also Bruce Frohnen, *Virtue and the Promise of Conservatism: The Legacy of Burke and Tocqueville* (Lawrence: University Press of Kansas, 1993).

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

So, by stages, personal virtues once nourished and tended to by the state have been left to flower or fade by themselves, and vices that the state once sought to suppress and even to uproot have been tolerated and supported to the extent of being allowed public expression and validation. Obvious examples lie in the areas of sexual activity, personal relationships, and reproduction.

Evidently, from the perspective of traditional conservatives, this is an unhappy and unexpected movement away from their vision of society and understanding of politics. Ironically, they may even find that when it comes to particular policy issues, they now share common ground with some on the old Left. This should not be surprising to anyone familiar with the history of Christian Socialism in Britain[8] and in some European countries (and even in one narrow strand in the United States represented, for example, by Dorothy Day and Peter Maurin, the founders in 1933 of the Catholic Worker Movement). Christian Socialism is of older vintage than the more familiar form of anticapitalist socialism, which held that traditional social values were instruments of oppression fashioned and deployed by the forces of capital. In contrast, Christian Socialism took these values to reflect genuine human goods of common life, and its demand for political change was directed at the fact that economic and social circumstances made it impossible for the mass of men and women to realize these traditional values. To put it oversimply, the only changes that Christian Socialists wanted were ones that would make it possible for the many to flourish as did the few, allowing the many to enjoy the benefits of a traditional home, a traditional education, and a traditional lifestyle. Not for these people the politics of cultural revolution, the hermeneutics of suspicion, the praxis of subversion, the rhetoric of redefinition, and so on through the litany of cultural theory devotees.

Thus a new kind of opposition has emerged within the conservative fold, primarily over social values. By contrast, disputes between traditional conservatives and economic/social liberals over political economy seem largely instrumental. Traditional conservatives have no objection to the idea that the resources and power of political society may be used to uphold traditional moral values, and that some redistribution of wealth and some provision of public services might be legitimate means, though

[8] The Christian Socialist movement, which unlike Marxist socialism believed in private property and was opposed to revolution, originated in the middle of the nineteenth century and drew its inspiration from a surprising variety of sources, including the Chartist movement, the cooperative communitarianism of Robert Owen, and the counter-Enlightenment romanticism of Thomas Carlyle and Samuel Coleridge. The founding figures of British Christian Socialism are Frederick D. Maurice and Charles Kingsley, who with others authored a series of pamphlets under the general title *Tracts on Christian Socialism*. Members of the movement later founded and led the Independent Labour Party (formed in 1893), from which Labour and New Labour derive. The Society of Christian Socialists was formed in the United States in 1889. Given some knowledge of this history, it is perhaps more intelligible that traditional conservatives may find points of agreement with this strand of socialism. It also serves to explain why figures such as G. K. Chesterton and other distributivists are claimed by both the Left and the Right.

they are likely to enter a series of reservations. First, that just as property is the bulwark of responsible liberty, so the family is the primary locus of moral formation and of the goods of common life. Second, that initiatives implemented and administered by permanent bureaucracies should be viewed with some suspicion, in part because bureaucrats tend to favor uniform policies without regard to particularities of time and place, in part because they tend to become removed from the moral realities of everyday life, and in part because bureaucratic power tends to corrupt in the measure to which it is possessed. Such considerations also lie behind the traditional conservative's opposition to "professional politicians," an opposition often misrepresented by critics as a self-serving defense by those who wish to reserve ample time for making money—which is not to say, of course, that the critics' charge is never justified.

Even so, the problem for traditional conservatives is not the state *per se*, but the existence of false and harmful conceptions of it. One such conception was that associated with Communism, but that was a problem of the past. The problem of the present and of the foreseeable future is that the state is now widely conceived in terms that are no less damaging to human virtues and values as traditional conservatives understand them. These include various forms of contractualism, such as the rights-based, egalitarian liberalism of Ronald Dworkin, and to a lesser but still significant degree the political liberalism of John Rawls, as well as the market liberalism associated with certain kinds of individualism. In addition, the effort to counter such conceptions of the state is made more daunting by the recognition that among those who advocate them are former allies in the war against Communism abroad and state socialism at home.

The division of the Right that I have adumbrated may also be cast in terms of 'conservatives' versus 'neoliberals', a distinction that has been a commonplace of American political commentary for the past twenty years, if not longer. More recently, this distinction has become prominent in British commentary, as the Conservative Party has tried to determine its broad orientation in the post-Thatcher era and in the wake of two devastating general election defeats. To understand the challenge facing the Conservative Party, one needs to appreciate the extent to which the traditional scheme of opposition between Britain's parties is no longer applicable or even intelligible. The rightward move toward the political center that began under Tony Blair's predecessor as leader of the Labour opposition has been carried further by Blair, to the point where New Labour ceased to use the term 'socialism'. More significantly, it ceased to formulate policies on the basis of egalitarianism or of a conception of the state as an administrative device for redistributing material benefits in accord with universal rights. At the same time, New Labour repositioned itself as the party willing to tackle crime at home and oppose tyranny abroad. These changes removed the party from the main line of right-wing criticism and left Conservatives in a state of enduring uncertainty as they tried to work out what they stood for, beyond opposition to socialism.

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

In nineteenth-century Britain, industrialization brought men and women from the countryside into towns and cities, changing the modes of their labor and introducing them first to new kinds of property (factories, machinery, manufactured goods, and shops) and then to a new concept of property. This new concept was not the familiar idea of the personal ownership of visible, tangible things, but the ownership of stocks and shares. These changes in the circumstances of the population resulted in a new kind of insecurity, not resulting directly from the vicissitudes of nature (as had been their situation on the land), but arising from financial speculation and short-term capital investment. By the end of the century, conservatives and socialists alike agreed that the gathering of the populace into centers of seasonless manufacture had changed the environment of politics by giving rise to general national problems calling for collectivized solutions. It was this belief that resulted in such social legislation as the creation of national insurance, the establishment of labor exchanges, and the introduction of old-age pensions. Moreover, it was this collaboration that gave meaning and warrant to the claim of Sir William Harcourt, made during the passage through Parliament of the 1894 budget, that "We are all socialists now."[9]

Consensus on the idea of collectivized solutions to national needs continued up to the period of "the Thatcher revolution," which began in 1979 with the election to power of the Conservative Party and continued until Margaret Thatcher's resignation as leader in 1990. What went somewhat unnoticed, at least by traditional conservatives, was the fact that in the years following World War II a second social transformation had supervened upon the material base established by nineteenth-century industrialization, urbanization, and the later shifts from heavy manufacture to light industry, to assembly work, to retailing, and then to service industries. This postwar transformation involved the contraction of the family through declining birth rates and relocation for housing and employment opportunities. The transformation also entailed changing conceptions of production, further removing goods from traditional notions of labor. A relatively affluent urban populace, freed from the material necessity of mutual dependence within the family and neighborhood, and increasingly detached from and unfamiliar with the historic narratives of God, of ordered nature, of paternal governance, and of nation and family as nonvoluntary forms of association, gave rise to the need for a new style of politics, no longer responsive to persons as members of collectivities but to individuals directly. This resulted in a raft of liberalizing social legislation in the areas of personal relations, sexual practice, conception, leisure, and culture. So far as political consciousness is concerned, it is in respect to such matters as these, and the conditions from which they

[9] Harcourt was Professor of International Law at Cambridge (appointed in 1869), Solicitor-General (appointed in 1873), Home Secretary (1880–85), and then Chancellor of the Exchequer (1886, 1892–95) in William E. Gladstone's last two administrations.

arose, that someone might recall Harcourt's words and say "We are all liberals now."

But if this really is the state of affairs, and if it endures, then traditional conservatism has no future—at least at the level of the state. Someone of an earlier age, of the generation, say, of those who established the BBC as a public corporation and composed its inscription, when confronted with the issue of how to deal with a public figure whose personal life was problematic, might well have returned for guidance to Matthew's gospel. There he or she would have read the following:

> Moreover, if your brother sins against you, go and tell him his fault between you and him alone. If he hears you, you have gained your brother. But if he will not hear, take with you one or two more, that by the mouth of two or three witnesses every word may be established. But if he refuses even to hear the church, let him be to you like a pagan and a tax collector. (Matt. 18:15–20)

This is the principal site in the New Testament for the idea of what later came to be termed 'fraternal correction': the charitable criticism by one community member of the behavior of another. Following Augustine's *Treatise Concerning the Correction of the Donatists*, and Aquinas's discussion in *Summa Theologiae* (IIa, IIae, q.33, a.1), Catholic moral theologians traditionally distinguished 'fraternal' from 'judicial correction' (the latter being the responsibility of a duly constituted authority to those within its jurisdiction), and distinguished both from 'paternal correction', which is the prerogative (and duty) of a superior with regard to those in his charge. In addition, Catholic theologians developed (in the style familiar to secular philosophers from their study of ecclesiastical just war theory) a set of conditions specifying the circumstances under which the obligation to offer fraternal correction becomes grave. The two sets of conditions listed below, which have no single source but are a gloss based on my consideration of various casuistical discussions, refer respectively to (*A*) private and (*B*) public correction. In the case of the former, the reproof is to be addressed directly to the wrongdoer; the latter arises where the former is for some reason infeasible or proves ineffective, or where the common good is directly threatened.

(*A*) *Private Fraternal Correction*

1. The matter at issue is itself grave.
2. There is little prospect of self-amendment.
3. There is no one else in a position to offer the correction.
4. There is a likelihood that the correction will bear fruit.
5. There is no prospect of harm arising from making the correction (such harm being unmerited or disproportionate to the good of correction).

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

(*B*) *Public Fraternal Correction*

1. The matter at issue is itself public.
2. The matter bears on the standing of a third party or on the common good of the whole community.
3. A public correction is required in order to prevent scandal.
4. The wrongdoer has relinquished or forfeited the right not to be subject to detraction.

There is much that might be said about these and other aspects of the notion of fraternal correction; in this context, however, I am not concerned with the details but with the general idea. Of course, its original circumstance is that of a community of like-minded believers, and this might be thought to exclude its application outside such a context. I can, though, see no reason to think that its religious origin occasions such a general restriction. Nevertheless, I do believe that this notion of fraternal correction needs to be applied to our era with some caution, for the reasons that I mentioned above when speaking of ideas drawn from a period when people held presuppositions very different from our own. For presupposed by this notion of fraternal correction are interpersonal relations akin to those of a family rather than of a voluntary association. Likewise, there are presumptions of objectivity in moral judgment, of morality's application to human beings as such, and of moral knowledge being naturally available to all. There are also presumptions of the continuity of moral action through the unifying structure of a person's character, and of a relationship between the 'personal' and the 'social', which is different from that of the 'private' and the 'public' as these terms are now conceived in liberal theories.

Someone might balk at this last claim, recalling a passage in the writings of Mill, who is, after all, nothing if not a liberal. Having insisted in *On Liberty* that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others,"[10] Mill later goes on to say:

> There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or deprivation of taste, which though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt: a person could not have the opposite qualities in due strength without entertaining these feelings. Though doing no wrong to anyone, a person may so act as to compel us to judge him, and feel to him, as a fool or as a being of an inferior order; and since this judgement and feeling are a fact which

[10] John Stuart Mill, *On Liberty* (1859), ed. Gertrude Himmelfarb (London: Penguin Books, 1974), chap. 1, para. 4, p. 68.

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

> he would prefer to avoid, it is doing him a service to warn him of it beforehand, as of any other disagreeable consequence to which he exposes himself. It would be well, indeed, if this good office were much more freely rendered than the common notions of politeness at present permit, and if one person could honestly point out to another that he thinks him in fault, without being considered unmannerly or presuming. We have a right, also, in various ways, to act upon our unfavourable opinion of anyone, not in the oppression of his individuality, but in the exercise of ours. We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance), for we have a right to choose the society most acceptable to us. We have a right, and it may be our duty, to caution others against him, if we think his example or conversation likely to have a pernicious effect on those with whom he associates. We may give others a preference over him in optional good offices, except those which tend to his improvement.[11]

This comes in a section of chapter 4 entitled "Of the Limits to the Authority of Society over the Individual," and I do not doubt that there are those who will judge that, in this passage, Mill himself far exceeds those limits. Some may say that this is a passing aberration and not evidence of the inadequacy of a criterion of public policy limited to the prevention of harm. What then might they make of another apparent lapse, as when in the following chapter of the same work Mill contends that "there are many acts which, being directly injurious only to the agents themselves, ought not to be legally interdicted, but which, if done publicly, are a violation of good manners, and, coming thus within the category of offences against others, may rightly be prohibited"?[12] Here the point concerns prohibition rather than correction, but if the greater interference with liberty is held to be permitted, then it is hard to see how the lesser should not be. I leave it to others, however, to worry as to whether the sorts of policies that Mill appears not only to countenance but also to recommend sit ill with contemporary liberalism. To the extent that they may be felt to do so, this should remind us of the proximity of Mill's thought to that of older "perfectionist" ideas reaching back to Aristotle, and the natural law theories associated with traditional conservatism. These ideas provide a distinctive basis on which to address the examples of public disclosure that I gave earlier, but they also entail presuppositions of a communitarian and teleological sort that may now be felt to be widely rejected, if not falsified. If this should be so, then what is the Aristotelian, or the Augustinian, or the Thomist, or the Burkean to do?

[11] Ibid., chap. 4, para. 5, pp. 143–44.
[12] Ibid., chap. 5, para. 7, p. 168.

https://doi.org/10.1017/S0265052504211098 Published online by Cambridge University Press

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Earlier in this section, I opposed traditional conservatism to neoliberalism, but perhaps there is an emerging basis for re-alliance. Each has strong reservations about the modern state: the latter because of doubts about the very idea of political community; the former because, while they fully believe in community, they also believe that the modern state does not and probably cannot realize it. In this situation, advocates of these two camps of the conservative movement might do well to set aside their differences and collaborate in the effort to devolve political power downward. If this devolution were to occur, then certain questions about the extent and separability of the public and the private, which currently exercise us greatly, would seem less pressing, because for one or another reason they would indeed be so. Welcome harbingers of devolution are the United Kingdom's trend toward decision-making at national and regional assemblies (and in the case of Scotland, at a national lawmaking parliament), as well as the move in the United States to emphasize the fact that state governments, and not the federal government, are governments of general jurisdiction. What may be said of the role of quasi-political institutions, such as the BBC and the monarchy in Great Britain and the Public Broadcasting Service in the United States, is less clear, but needs more serious philosophical reflection than it has received hitherto.

V. Conclusion

I have not been concerned to provide a general answer to the question of when it is right to advert to problematic aspects of the private life of a public figure, or to draw wider attention to the person's misdeeds and to make them the subject of commentary. Evidently, cases have to be considered in relation to general principles and values, as well as in regard to their circumstances, form, and content. It is easy enough to observe that some methods of acquiring information are unjust, that some styles of exposure are beyond principled defense, that some matters are so remote from a public figure's office as to fail any reasonable test of public interest, and that the anticipated consequences of exposure may be so grave that what would otherwise constitute legitimate revelation should be avoided or at least postponed until relevant circumstances have changed.

Important as these considerations are, however, they are supplementary to general issues concerning presumptions of privacy, entitlements to free speech and commentary, and responsibilities of correction and caution. It is unsurprising that the issues of privacy, on the one hand, and of public commentary, on the other, have been subjects of considerable interest to liberal social and political philosophers, since both sets of issues seem to flow from the idea of liberty, especially the liberty of individuals. Within this framework, the matters to be resolved are how best to conceive of the relevant freedoms and how to relate them one to another so as to avoid, limit, or arbitrate conflicts among them.

There are, though, further matters to be considered arising from the interests of the community and the responsibilities of social membership. In essence, these are neither liberties nor rights (though they may entail both); rather, they belong within the sphere of personal and social values. What is at issue is the good of individuals and of societies. Mill wrote of how degrees of folly and lowness render persons "necessarily and properly" subjects of distaste, and of how corresponding actions, "though doing no wrong to anyone," compel us to judge the agent. As the rest of the passage and the context of the work make clear, however, Mill is not concerned simply with warrants for private judgments and discretionary policies. He also has in mind our responsibilities to such persons as fellow citizens and to others whom they might influence, perhaps especially through their occupancy of public offices.

In deliberating about when and how to exercise these responsibilities, one should begin to see the merit of the criteria that I set out above under the headings of private and public fraternal correction: grave matter, the standing of others, the common good, the avoidance of scandal, and so on. How strongly one feels the draw of these, and how far one is disposed to see public and private correction as interconnected and nondetachable, provide measures of the extent to which one's conception of social life is akin to that of the traditional conservative. Of course, conservatism may not be the only political outlook that can accommodate the idea of mutual responsibilities set within a framework of common life and the common good, but traditional conservatism can lay claim to have been the tacit philosophy of the communities that constituted most of Europe and America until quite recently. To the extent that many people still regard this conception of social life as having genuine appeal, traditional conservatism remains a viable alternative to both liberalism and neoliberalism as a basis on which to found a social and political morality. That said, I return to my earlier observation that traditional conservatism cannot serve as a political philosophy for the modern state. Whether this tells against traditional conservatism or against the modern state is a matter for history, not philosophy, to judge.

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