Art and Moralism

CRAIG TAYLOR

Abstract
Mrs. Digby told me that when she lived in London with her sister, Mrs. Brooke, they were every now and then honoured by the visits of Dr. Johnson. He called on them one day soon after the publication of his immortal dictionary. The two ladies paid him due compliments on the occasion. Amongst other topics of praise they very much commended the omission of all *naughty* words. 'What! my dears! then you have been looking for them?' said the moralist. The ladies, confused at being thus caught, dropped the subject of the dictionary. (H.D. Best, *Personal and Literary Memorials*, London, 1829, printed in *Johnsonian Miscellanies Vol. 2*, G. Birkbeck Hill (ed.) (London: Constable & Co.,1897))

This paper is about the moral criticism sometimes directed at certain works of art, and specifically about the danger in such criticism of descending into mere moralism. By moralism I mean here a certain kind of vice; a vice that involves the distortion of moral reflection and judgement.[1] There is a difference, I will suggest, between the moralist and the moraliser, who I take to be a person who indulges in moralism: That Dr Johnson, for example, was a moralist as juxtaposed to a moraliser is shown not by the absence of 'naughty words' in his dictionary but by his scrutiny of anyone who would go looking for them. Dr Johnson's question to Mrs Digby and Brooke reminds us that we cannot always take a person's concern for morality at face value; that serious moral debate, which is to say the proper activity of the moralist, requires of us something more, and I will claim something more onerous, than a mere concern for morality. I will focus on the recent (and extreme) moral criticism directed against the work of Australian artist Bill Henson. While the example is Australian the controversy over Henson could easily have arisen in many other countries, including in Europe and North America. What I hope to

[1] Moralism as I understand it here is to be distinguished from the way that term is used in the debate in aesthetics over whether or not the aesthetic dimension of art is autonomous. So my view is distinct from what Nöel Carroll calls 'moderate moralism,' the view that 'a moral defect in a work of art can sometimes be an aesthetic defect' (N. Carroll, 'Moderate Moralism versus Moderate Autonomism,' *British Journal of Aesthetics* **38** (1998) 419–24).

doi:10.1017/S0031819109000357 ©2009 The Royal Institute of Philosophy

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

draw from this example is something of the nature of moralism and in contrast to this what serious moral thought and reflection really requires of us both in this case and more generally.

The Henson Case

On Thursday 22nd, May 2008 Australian photographer Bill Henson was to open an exhibition of new works at the Roslyn Oxley9 Gallery in Sydney. Though an international artist of some note for many years – his work is held in many major international galleries and he has represented Australia at the Venice Biennale – Henson was not widely known in Australia. By 23rd May he would be front page news. As reported in *The Australian* newspaper on 22nd, May the invitation to the exhibition opening reproduced an image from the exhibition of a naked twelve-year-old girl. Similar images from the exhibition also appeared on the gallery's website.[2] The image of the girl, like other images of nude adolescents from the exhibition, was immediately condemned as obscene or sexualised in a variety of quarters. The exhibition opening was postponed and the gallery closed while police, in response to a number of complaints, decided on whether to lay charges against either the gallery or Henson. Australian Prime Minister Kevin Rudd said at the time that the image of the girl was 'absolutely revolting' and that, 'kids deserve to have the innocence of their childhood protected.' Morris Iemma (Premier of New South Wales at the time) declared 'I find [the images] offensive and disgusting. I don't understand why parents would agree to allow their kids to be photographed like this.' Many in fact saw the issue of consent here as the crucial one arguing that these images were clearly sexualised and that as such the parents could not give consent to have their daughter photographed in this way. Still others claimed that the children in these images were exploited by Henson. In the end the government's classification board – itself made up of broadly representative members of the public – was asked to classify the offending image. This they did giving it a rating of 'PG' for 'parental guidance suggested' (one

[2] Gallery website: http://www.roslynoxley9.com.au/artists/18/Bill_Henson/. Note that at the time of writing the image on the Henson 2008 exhibition invitation is no longer posted, though some of the other controversial images of adolescents remain.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

rating above 'G' or 'suitable for general admission') and no charges were ever laid.[3]

There is no doubt that in condemning Henson many commentators were concerned with morality. But the nature of some judgements here suggests that many were also guilty of moralism. In the most general terms moralism involves the distortion of moral thought, reflection and judgement about both people and events.[4] But the more specific characteristic of moralism that I will focus on in this paper, and which is striking in the Henson case, is that moralism involves a failure in an important sense to recognise that morality is hard. I don't mean that it is hard to follow morality's dictates, though it often is, but that morality requires the will to be hard on *oneself*. More important for morality than a willingness to judge others is the courage to critically examine one's own actions or responses and motivations. For the moraliser however the situation is reversed: While the moral scrutiny of others is central for them, they almost never subject themselves to the same critical gaze. Commenting on the debate over Henson Germaine Greer had a point I think in suggesting that any man who calls a picture of a naked adolescent girl 'revolting' protests too much.[5] If a heterosexual

[3] For an extended account of the controversy over Henson see *The Henson Case* by David Marr (Melbourne: Text Publishing, 2008). While Marr is not exactly an impartial observer – he is firmly in Henson's corner – he does nonetheless faithfully record all the important events surrounding the controversy. The book also reproduces the nude image that produced the initial moral outrage.

[4] Very little has been written on the nature of the vice of moralism. For some initial thoughts on this topic see a recent special issue of the *Journal of Applied Philosophy* on moralism edited by Tony Coady, and in particular my contribution to that issue, Craig Taylor, 'Moralism and morally accountable beings', *Journal of Applied Philosophy* **22** (2005). As I acknowledge there the term 'moralism' may be used to cover a multitude of sins, and much more thorough examination of the concept of moralism and its connection to related vices such as self-righteousness and hypocrisy is certainly called for. This, though, is a substantial task indeed, and well beyond the scope of this paper. Here I consider just one aspect of moralism in one central and (I hope) easily recognisable form of the vice.

[5] G. Greer, 'Through a lens darkly,' *The Age*, June 2, 2008. I am not saying of course that it *necessarily* follows from the fact that a public figure, a politician say, calls Henson's image 'revolting' that they are guilty of moralism. In the case of a given politician it may be that they *do reflect privately* on their response to such an image, but that they are not prepared to accept the potential damage to their career of airing such thoughts or reflections *publicly*. While such a person may not be guilty of moralism,

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

adult male tells us that such an image is revolting we would be wise, much as Dr Johnson was in the example above, to be suspicious. Even if we think that there is a genuine moral concern with Henson's photograph, to put the point like that does not indicate serious moral reflection but an evasion of it.

The sort of extreme and possibly self-deceiving reaction to Henson's work indicated above only serves to obscure important distinctions we might need to make here. So a frustrating aspect of the debate about Henson's photographs was that one could not in this context talk positively about the representation of human sexuality without seeming to endorse the sexualisation of children. Obviously Henson's images represent human sexuality, but that is not the same thing as sexualising children. The point is so obvious it reminds me of a scene in the spoof rock documentary *This is Spinal Tap*. The band's manager informs the group that the record company won't release their new album *Smell the Glove* because the cover image is sexist, to which the guitarist Nigel replies, confused, 'What's wrong with being sexy?' It seems that many of Henson's critics have something in common with Nigel in that they think any description with the word 'sex' in it amounts to only one thing. Nigel misses the point but at least he is honest about his own motivations.

Ern Malley

The case of Henson and the moralism it engendered is by no means unique in the history of art and censorship. Indeed the Henson case has similarities to, and is further illuminated by, an earlier instance of moralism in Australia: The prosecution in South Australia in 1944 of Max Harris, editor of *Angry Penguins*, a modernist literary and art review, for publishing a number of allegedly obscene poems by Ern Malley. Harris must be the unluckiest literary editor of all time. Not only was Harris the victim of Australia's most famous literary hoax – Ern Malley never existed, his poetry was created by two young conservative Australian poets, Harold Stewart and James McAuley, to mock the modernist style – he was then charged

in so far as there is in their case a conflict between their public claims and private convictions they could reasonably be charged with the related vice of hypocrisy. I discuss the distinction between moralism and hypocrisy in Taylor (2005).

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

because the works were thought to be either 'indecent advertisements' or 'indecent, immoral or obscene'.[6]

The hoaxers' point in the Ern Malley affair was to show that since, as they thought, modernist poetry was all pretentious nonsense Harris would not be able to spot that their poems were meaningless. But the fact that the poems were meaningless was no deterrent to the police or prosecution. As Michael Heyward says in his account of the Ern Malley affair, 'the Crown case seemed to be that where the poetry was not obscene it was unintelligible, and that was almost as bad ... [the prosecutor, D.C. Williams] sought to deny a paraphrasable content where he could detect nothing risqué, but was on the alert for meaning if the poem looked naughty'.[7] And as Heyward goes on to suggest the magistrate, L.E. Clarke, seemed to want it both ways too. So Clarke thought that interpreting the poem 'Sweet William,' was 'rather like attempting to unravel a crossword puzzle with the aid of only half the clues and without the satisfaction of seeing the solution in the next issue',[8] yet at the same time he wanted to claim the phrase 'unforgivable rape' that appears in the poem could only be referring to the actual act of rape despite the alternative interpretation Harris had offered him.

As Heyward puts it, 'The *Angry Penguins* trial concluded a script which nobody without a sense of humour could have invented, and nobody with one could resist'.[9] Most ridiculous, and telling, of all was the cross examination of the arresting officer Detective Vogelesang, whose testimony Heyward says 'brought the house down.' Questioned about the meaning of the poem 'Night Piece' Vogelesang had this to offer: 'Apparently someone is shining a torch in the dark... visiting through the park gates. To my mind they were going there for some disapproved motive... I have found that people who go into parks at night go there for immoral purposes'.[10] Vogelesang's thoughts about parks at night and the

[6] For an account on the censorship of obscenity in the arts in Australia, including the Ern Malley trial, see P. Coleman, *Obscenity, blasphemy, sedition: 100 years of censorship in Australia* (Sydney: Angus & Robertson, 1974). For an extended account of the whole Ern Malley affair see M. Heyward, *The Ern Malley Affair* (St Lucia: Queensland University Press, 1993).

[7] Heyward (1993), 200.

[8] Clarke in Ern Malley trial transcript as quoted in Heyward (1993), 208–9.

[9] Heyward (1993), 185.

[10] Vogelesang in Ern Malley trial transcript as quoted in Heyward (1993), 191.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

tendentious speculations of Williams and Clarke seem to have led them to see immorality where there was none except in their own imaginings. But we might also wonder whether some of those who see pornography, sexualisation or exploitation in Henson's nocturnal images of naked adolescents see anything except the content of their own imaginings.

From our viewpoint, the concerns of the prosecution and the police in the Ern Malley case may seem laughable. Yet one thing that was driving that concern can be seen to be driving the concern over Henson as well. It seems clear from the Ern Malley case that one thing that worried people was that they did not know what to think or make of Malley's poems. And that seems to be part of the problem in the Henson case as well. Henson's photographs are not obviously pornographic or obscene in the ordinary sense of those terms.[11] That, I think, explains why the debate quickly turned from the issue of obscenity to one of consent and child exploitation. But that hardly clarified matters, for to claim that the girl in Henson's photograph was exploited just begs the question. If Henson's photograph was obscene or sexualised then the girl would have been exploited by Henson. But Henson's images were not in any obvious sense obscene or sexualised; that was the original problem with accounting for many peoples' concern with them. Certainly the girl's parents actually admired Henson's work and thought that posing for Henson was a worthwhile thing for their daughter to do. But then where is the exploitation? One might claim that the parents got it wrong and that their daughter will regret the affair later in life. But children often grow up to regret or even resent some aspect of their upbringing. So a child may grow up to regret or resent being brought up in accordance with strict religious rules or practices. The issue in all such cases is not whether a child regrets or resents aspects of their upbringing but whether their rights were infringed or whether they were harmed. But any claim that this girl has been exploited or harmed is no more plausible in the end than the claim that Henson's photographs are straightforwardly obscene. Here as in the case of Ern Malley people were clearly troubled but were unable to adequately account for that feeling.

[11] One might argue that there is little agreement about what makes for an obscene or pornographic image. But the task of the Australian Classification Board would be impossible if there were not some consensus on these matters. And as I have noted this board has classified the image by Henson at the centre of this controversy 'PG'.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

Art and ambiguity

I do not want to deny than Henson's images of naked or semi-naked adolescents are in a way disturbing. But if we are to avoid moralism here we need to ask ourselves why. I remember the first time I saw Henson's photographs; it was at an exhibition in Melbourne in the 1980s. In some of the works in that exhibition Henson had juxtaposed images (characteristically dark and squalid) of naked or semi-naked street kids with images of grand interiors. I found these images hard to look at. There is in these photographs as in many of his later photographs of adolescents as well a disturbing *ambiguity*, by which I mean that they are apt to produce conflicting responses in the viewer. As John McDonald observes in his excellent review of Henson's 1980s photographs 'Henson leaves the viewer with an unbearable dilemma. Is this an exercise in gruesome voyeurism or social comment? ... This dangerous and difficult ambiguity seems central to the experience of Henson's work'.[12] But of course, it is precisely this sort of ambiguity, and the consequent lack of simple or obvious moral meaning or purpose, which many people find so offensive about Henson's work – and much other artistic achievement as well.

To illustrate, consider another morally contentious work with which Henson's photographs were compared during the controversy: Nabokov's novel *Lolita*. Attempts to defend Henson by making comparisons with Nabokov's great novel may fail because many people regard *Lolita* as morally objectionable for much the same reasons as they find Henson's photographs of naked adolescents objectionable. For Nabokov's book too is ambiguous, in fact it is multiply ambiguous; this story of a paedophile's obsession with a twelve-year-old girl is variously shocking, poignant and even funny. And one objection is then that a book on such a subject ought not to be funny; being funny it may be thought counts against it being shocking in a morally edifying sort of way. According to a certain, moralistic, turn of mind, if you are going to tell a story about a paedophile or photograph adolescents nude you had better have a clear and unambiguous moral purpose. So according to this way of thinking it is acceptable to, say, photograph a naked adolescent running in terror from her napalmed village, but only because such a photograph serves openly a noble cause.

Of course visual art and literature too can wear its moral purpose, as it were, on its sleeve. William Hogarth's series of paintings (and

[12] J. McDonald, 'Gruesome voyeurism or social comment?' *The Sydney Morning Herald*, November 26, 1988.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

subsequent engravings) *The Rake's Progress* and Charles Dickens' *Hard Times* along with some of his other novels are examples here. But art, including literature, does not always serve morality or truth in such an openly didactic way. It may be that an artist has no very clear conception of what they want to say – artists are not essayists – and that their work is itself a way of working that out. In that case all an artist can do is trust in that particular mode of responsiveness to the world that is manifest in their work. And the viewer (or reader) faces a similar challenge; we too may need to trust in our own potentially conflicting responses to the artist's work, to accept them and to be willing to learn from them. Which brings me back to moralism, for it is characteristic of the moraliser that he does not trust his own responses, he does not trust himself.

We can see now what was more or less implicit in the Ern Malley trial: why ambiguity *itself* is so offensive to the moraliser. The moraliser wants to know what the work is about so that he can respond (morally) appropriately, but we may only come to understand the meaning (or meanings) of a work through our responses to it. We have to be open then to such responses w*hatever they may be*. The moraliser, though, is unable or unwilling to be open in this way. That may be because the moraliser is unable to accept the responsibility that such openness entails: If he condemns child nudity in art it is perhaps not because he believes he will find the image of a naked teenager revolting but because, and notwithstanding his denials, he is worried he might not. Or if he is disgusted at the very fact or idea that such photographs are produced it may not be his fear for children that is driving him but maybe his fear for himself. But at many other times a moraliser's lack of openness may indicate simply a fear that with only his own responses to go by he may not know what to think when he feels that he *should* know; or, what this amounts to, a want of confidence in his *own* judgement as mediated by those very responses.

Art and moral reflection

What the moraliser misses in relation to art (but not just in relation to art) is what we might learn through our various responses to the work (as to the world). To illustrate, an important feature of art as I have already noted is that it may produce a number of *conflicting* responses in us. Think again for example of John McDonald's review of Henson. Looking at Henson's photographs of young people we *may* derive a voyeuristic pleasure. But at the same time the reference

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

to this mode of viewing in the work itself – Henson uses low directional light which seems to draw his subjects out of the darkness – not to mention the overall level of abstraction of the images is apt to produce in one an unsettling consciousness of this very pleasure, and which may undercut it; the taste, as it were, turning to dust in one's mouth. And that conflict, a conflict at the level of immediate response, may be the point. It is perhaps through this kind of conflict that the work is illuminating. So, Henson's images do not endorse voyeuristic tendencies or responses, they play such responses off against other conflicting responses, thereby exposing and undermining the voyeuristic gaze.

Let me stress that to acknowledge that a viewer may derive some kind of voyeuristic pleasure from Henson's photographs of naked and semi-naked adolescents is not to concede – what I have in fact denied – that such images are after all sexualised. Consider Henson's image of the naked twelve-year-old at the heart of the recent controversy. One reason any voyeuristic pleasure a viewer derives from this image would be disturbing is that the image *truthfully* represents the girl's sexuality; it does not – as a sexual*ised* image would – represent her as something that she is not. If the image had lied, then of course a viewer deriving a specifically *sexual* voyeuristic pleasure[13] from it might complain they were tricked into seeing the girl as having the kind of sexuality that a twelve-year-old girl could not have – which is to give the viewer grounds for condemning Henson and excusing their pleasure. But the image does not lie, and so the viewer must examine and take responsibility for their particular responses to it.[14] In so far as there is a reference to voyeurism in Henson's work it functions in part as an invitation to do just that. This is hardly child exploitation but it can, as I say, make for an uncomfortable experience for the *viewer*.

[13] Note that while voyeurism is generally thought to involve watching others secretly for sexual pleasure, the pleasure of watching derived by the voyeur need not be sexual. (Note here the distinction between common usage and the clinical psychological condition.)

[14] Surely a much more plausible example of the sexualisation of adolescents is the display of very young adolescents in some fashion photographs. While many people have moral reservations about such photography, this practice has not attracted the kind of extreme moral outrage that was directed at Henson's photographs of young people. While I don't want to push the point, my suggestion that Henson's images truthfully represent the sexuality of his young models perhaps provides some explanation of why that might be.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

Consider another example of how the possible response of the viewer may be not just undercut but turned on its head by a work of art. In discussing Leni Riefenstahl's Nazi propaganda film *Triumph of the Will* Isaksson and Furhammar comment on the way the viewer is 'not only called upon to observe the crowd's enthusiastic reactions to its leader... but also forced into a state of participation'.[15] Yet as they go on to say, while 'the power of crowds in films may be quite overwhelming... it is surprisingly easy for a commentator to undo the effect – not just minimising it but actually reversing it'.[16] So they suggest for example that in *These are the Men* (1943), in which sequences of Riefenstahl's film are given a hostile English commentary, 'the enthusiasm of the mass constitutes a sounding board, but... for emotions that are directed *against* all that the mass stands for'.[17] In the film *These are the Men* we can see how art can reveal what is corrupt or corrupting in a particular moral viewpoint, in this case the moral viewpoint of the Nazis.[18] This is just one further example of the complex ways in which a work of art may exploit our capacities of response in illuminating, including morally illuminating, ways. But it also illustrates again how our assessment of a work of art may depend on the way, and how successfully, it exploits those capacities; and that is not an assessment that can be made in advance of one's open-minded experience of the work.

The problem of moralism in relation to art might be put like this: The moraliser insists on assessing the work from what they take to be the point of view of morality. But in so far as they deny, distrust or are otherwise unwilling to reflect upon their own responses to the work, the 'moral' point of view from which they assess it remains a fundamentally impoverished one. Our responses to a given work of art might surprise and disturb us; nevertheless I contend that these

[15] F. Isaksson and L. Furhammar, 'The First Person Plural,' in J. Tulloch (ed.) *Conflict and Control in the Cinema* (Adelaide: Macmillan, 1977), 392. I thank George Couvalis for this example.

[16] Isaksson and Furhammar (1977), 392.

[17] Ibid., 393.

[18] To consider a different but closely related point, it may be that a work of art is corrupt yet not corrupting. Indeed it may be that a work of art that we recognise as corrupt can be morally edifying in virtue of that very act of recognition. As Robert Stecker says on this point 'the expression in a work of attitudes ranging from the morally uncertain to the reprehensible may do some good. For example, the latter may inadvertently harden us against behaviour based on such an attitude' (R. Stecker, *Aesthetics and the Philosophy of Art* (Lanham MD: Rowan & Littlefield, 2005), 210.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

responses are an essential constituent of moral thought and reflection. What is disturbing in art can show us much, for example, about the nature of human desire and our fear of that desire, about our humanity and our avoidance of it.

Conclusion

I have *not* suggested that there can be no serious moral objections to the work of Bill Henson. My aim has been rather to show what serious moral reflection on work *like this* requires of us: my concern is with moralism in response to art not with all that might be said (morally) for or against the work of any particular artist.[19] In more general terms, nothing I have said is to deny – what is surely obvious – that some art may be obscene or that it may involve in its production the exploitation of children.[20] My point though is that we cannot always *read off* whether a work of art is obscene or exploitative simply by attending to certain general facts or moral considerations. So, thinking of Henson for example, it is a mistake to think that one can determine in advance of viewing a work of art – and on independent moral grounds – that simply because it involves child nudity, or because some viewer may see in it nothing but an opportunity for sexual voyeurism,[21] that it exploits children.

[19] *I am not* saying that either you accept that Henson's work is morally unobjectionable or you are guilty of moralism. The fact that someone has moral qualms about Henson's work does not itself make them a moraliser; if the cap I have described – with moralism – doesn't fit they don't have to wear it. Indeed I would be myself guilty of something akin to moralism if I were to resort to this kind of crude moral accusation. *I am* saying however that morality requires reflection on one's own moral judgements and the motivations for them, and that the moraliser is peculiarly averse to that. So if a person is hostile to the mere invitation to think again about Henson and what we might make of his work I suppose they are *ipso facto* guilty of moralism on my account.

[20] This paper has the limited aim of examining moralism about art, and I make no claims about the justification for censorship of obscene material. Similarly, I offer no suggestions as to what steps might be taken to protect children from real exploitation by artists. On the second point, I note though that the Australian government is currently considering possible guidelines for artists using underage models.

[21] Many entirely innocent contexts are for some people opportunities for such pleasure. For Humbert Humbert, Lolita's tennis matches were just such an opportunity.

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

For I claim that whether or not that charge is appropriate – or beyond that narrow question whether or not the work provides valuable (even moral) insights of its own – may only be revealed by what we might make of the work through our various responses to it.

In more general terms, to think that moral ideas or principles *always* settle the question of whether a work of art is morally objectionable – settle the question that is to say *in advance* of what might be revealed through our responses to the work – is to suppose that art itself cannot have anything independently illuminating to say about morality, or at least our conception of it. But that, I am suggesting, is simply false: It is true that morality might reveal a work of art to be obscene; but it is equally true that art may reveal a particular moral point of view to be impoverished or moralistic, it may even be – as we can see from the example of *These are the Men* – that art may bring home to us how a moral point of view is fundamentally corrupt. However that is something we may not see unless we are willing to reflect on our various, potentially conflicting, responses to particular works – to consider openly what such responses say not so much about the artist but about us.

Still, many would agree with Melbourne philosopher John Armstrong who, commenting on Henson, suggests 'the fact that a great many profoundly decent people hate what [Henson] has done should carry weight'.[22] I am not suggesting we should ignore such responses, but I am suggesting that deciding whether we should give such offence weight requires us to reflect on the underlying reasons or motives for it: we need to ask ourselves why certain images (like Henson's) are disturbing to us.[23] Armstrong does

[22] J. Armstrong, 'In liberal democracy, ideals inspire', *The Australian*, October 18, 2008.

[23] My point here is reminiscent of H.L.A. Hart's point against Lord Patrick Devlin in their debate over legal moralism. Devlin there argues that if the reasonable man, the man in the street, has a 'real feeling of reprobation' with respect to some practice then society has the right to use the sanctions of the criminal law to eradicate that practice. To which Hart replies,

> in his reaction against a rationalist morality and his stress on feeling, he has... thrown the baby out with the bath water. When Sir Patrick's lecture was first delivered *The Times* greeted it with these words: 'There is a moving and welcome humility in the conception that society should not be asked to give reasons for refusing to tolerate what in its heart it feels intolerable.' This drew from a correspondent in Cambridge the retort: 'I am afraid that we are less humble than we used to be. We once burnt old women because, without giving

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press

concede that sometimes a 'society needs to witness disturbing and upsetting ideas for its own good,' but he thinks 'this rationale has little place in liberal democracies.'[24] I am inclined to think otherwise. In the same article Armstrong notes approvingly Goethe's decision not to publish a few crude poems so as not to give offence to 'good people,' and suggests that Henson should follow Goethe's example. But good people in the matter of what they hate can go badly wrong, especially when that hate is directed against the representation of uncomfortable truths. There is a famous story about a descendent of one of Goethe's 'good people,' a Nazi officer in the occupying forces, who while visiting Picasso in his apartment pointed to a picture of *Guernica* and asked 'Did you do that?' to which Picasso is said to have replied 'No, you did.' Even in liberal and enlightened societies it is necessary to risk disturbing or upsetting good people, that is a price we must pay if we are to continue to live in such a society.

Flinders University

reasons, we felt in our hearts that witchcraft was intolerable.' . . . We are not, I suppose, likely, in England, to take again to the burning of old women for witchcraft or to punishing people for associating with those of a different race or colour, or to punishing people again for adultery. Yet if these things were viewed with intolerance, indignation, and disgust, as the second of them still is in some countries, it seems that on Sir Patrick's principles no rational criticism could be opposed to the claim that they should be punished by law'. (H.L.A. Hart, 'Immorality and Treason', *Listener*, July 30, 1959.)

[24] Armstrong (2008).

https://doi.org/10.1017/S0031819109000357 Published online by Cambridge University Press