

## **Punishment without crime.**

### **Roger Scruton**

Suppose you woke up one day to discover that you were headline news. A leading newspaper has spread across its front page a story that you were seen entering a notorious brothel in London in company with a gang of criminals. There is no evidence that you have committed a crime, and the only ground for the story is that it has been relayed to the press by a police officer, appointed to investigate the gang in whose company you were allegedly seen. This police officer, you suspect, has a grudge against you: maybe he doesn't like your politics; maybe he is jealous of the attention you have received as a recently elected city Councillor. Whatever the cause of the matter, your life has been irreversibly damaged. There is no criminal charge, no chance to defend yourself, and nothing to refute save malicious gossip.

We in Britain were brought up to assume that such things don't happen here, that the press obeys constraints of truth and decency that require allegations to be clearly and responsibly made and that gossip has no public authority. We also assume that the public discussion of criminal investigations is not for the police but for the courts, and that all accusations should be governed by the rule that the accused is innocent until guilt has been proven.

But the case I have described replicates that of Damian Green, who stands on the brink of ruin as a result of gossip given front-page coverage in *The Times*. I have no idea whether the gossip is true, or whether, if true, it is evidence of a crime. That's not the point. All of us could be put at a moment's notice in Mr Green's position, and it is only respect for our long-standing culture of procedural justice that prevents it from happening right now to you and me.

This abusive assault on a British subject, relayed to the world by a leading newspaper, is unsurprising, now that our old habits of respect have been uprooted. The cause of this uprooting is not the occasional malice of a rogue policeman. That is just one among many consequences of the culture promoted by the social media. Facebook and Twitter have invaded and privatised the public square, relentlessly exposing our secrets and stripping from all public figures the fig-leaf without which they cannot perform their duties.

Alas, this change has been greeted with more enthusiasm than revulsion by the British people, many of whom pass their day broadcasting

images of themselves, tweeting moronic opinions and in general acting as though the purpose of life is to draw attention to their uninteresting attempt to be a part of it. In such circumstances the distinction between truth and falsehood begins to be eroded, as does that between accusation and guilt. In matters of significance it is unlikely that the truth can be conveyed even in the 280 characters now permitted. These enormous changes seem to have done nothing to awaken the general public to the pit into which we are collectively sinking. We are entering a world in which malicious gossip stands level with honest charity, and crowd-emotions over-ride the most elementary calls of justice.

What is to be done about this? I have a couple of suggestions. The first is to set up an institution – call it the Ministry of Truth – in some legally insulated country (oddly enough, Russia springs to mind) devoted to tweeting malicious stories about everyone who is anyone. If everyone becomes a victim of this inherent malice people will begin to see Twitter for what it is, as a tool that falls easily into the Devil's hands. President Trump's recent tweets about Muslims will encourage people to defend their Muslim fellow-citizens against a common enemy, and those who are attacked on Twitter will be inspired to live in a spirit of defiance, as examples to the only people who matter, namely their neighbours and friends. The Twitter-sphere will be marginalised as something degrading, to be visited only by attention-seeking morons. And politicians who communicate by tweets will lose whatever respect might otherwise be conferred on them.

The second suggestion is more serious. The root of culture is emulation and, thanks to the screen in the hand, we are learning to emulate what is beneath us. Traditional culture was about emulating what is above us: the examples and achievements that lend dignity to the social order and which teach us to be proud of it. The social media are an assault on this culture and on the idea of accountability on which it rests; the correct response to the current abuse therefore is to launch an effort of cultural renewal, through teaching and example, and through dramatizing the abuses, as Shakespeare dramatized the abuse of law in *The Merchant of Venice*. We should explain to children the presumption of innocence that lies at the heart of our legal inheritance, and the protection that this offers to ordinary people against all those who would intimidate or exploit them. We should show why respect for other people involves respect for their privacy, for their secrets, for all that is intimate and of no true public concern.

That is easier said than done, you will respond, and the response is right. Everything truly valuable is easier said than done. But we have sunk into a cultural morass, and must extricate ourselves, which we can do only by cultural means. People are being tempted into a malicious web of gossip, and are becoming trapped in its sticky threads. To fight against this we have to show, through example, how to live in another way, how to free oneself from the web before being wound into a ball of malice and eaten, body and soul, by the 'post-truth' spider.

Teachers should see their principal goal as one of averting their pupils from the spider's new temptations, so that they can face other people with respect. Such an education is what Plato meant by 'the care of the soul', and he regarded it as the indispensable foundation of political existence. In this matter, I believe, Plato was right, and he defined a task that falls on all of us, the national media included.