

Is Political Correctness the Problem – or Is It Something Else?

Francis Bennion

Mr Michael Howard QC MP, leader of the British Conservative Party, has attacked what he calls the distorted culture of political correctness and the way that, under its influence, people have “roundly abused” the United Kingdom’s Human Rights Act. “What we need”, says he, “is a change of culture”. Is this right?

In seeking an answer, we need to remember the democratic deficit. Speeches by politicians cannot be taken at face value as indicating truthfully what they really think because they always have to remember the voters. Politicians need voters’ approval in order to get re-elected, and that need distorts everything they say. Thus is exerted what the former Conservative Prime Minister A J Balfour called “the tyranny of majorities”, as recently manifested with the Bill banning hunting with hounds.¹ Mr Balfour said:

The tyranny of majorities may be as bad as the tyrannies of Kings . . . and I do not think that any rational or sober man will say that what is justifiable against a tyrannical King may not under certain circumstances be justifiable against a tyrannical majority.²

I will convey the content of Mr Howard’s speech, delivered at Stafford, England, on 25 August 2004. I will then go on to examine whether he is correct in his criticisms, and in the remedies he suggests. Is it perhaps just politician’s knockabout, or is it an accurate account of genuine flaws in British society? If there are such flaws, are the Conservatives the people to correct them? Is it a political matter anyway? Perhaps Mr Howard’s complaint is really a legal question. We shall see.

I should add that, *faute de mieux*, I am myself a member of the Conservative Party – but I will not let that influence me in this article. I would also add (modestly of course) that, as will appear, I am something of an expert on the subject of political correctness (though I was not invited to help Mr Howard draft his speech).

The Stafford speech

Mr Howard gave seventeen examples of what he calls political correctness. I will give you them all, every one – in the same order, and in his own words. All I have done is add numbers for ease of reference.

¹ The Hunting Bill, which seeks to impose a total ban on fox-hunting with dogs, was passed by the House of Commons on .. Sep 2004, after an acrimonious debate and in the face of widespread public protests. This measure has previously met with strong opposition in the House of Lords, and it was seen by the parliamentary Joint Committee on Human Rights to fall short of the Human Rights Act in two significant respects – see *Seventeenth Report of Session 2002-03*, HL Paper 186, HC 1278, 17 Nov 2003.

² Reported in *The Times*. 5 Apr 1893.

1. Staff warned by their local council not to drape England flags from office windows during the last World Cup - in case it offended those supporting other teams.
2. A father of four who chased a gang of vandals with a rolling pin for his own protection because they had just smashed his shop window was bound over to keep the peace and charged with carrying an offensive weapon.
3. A magistrate who, when considering a publican's request for an extra hour's drinking, ruled that St George's Day was not 'a special occasion' – even though the publican had not encountered any such problem with a similar request for the Chinese Year of the Goat.
4. In 2000, a Government-backed booklet warned nursery teachers that playing 'musical chairs' encouraged aggressive behaviour.
5. One school banned pupils from making daisy chains in case they picked up germs.
6. Some schools do not allow teachers to apply sun block to young children before playtime with the absurd result that the children have to apply it to themselves. By the time they've cleaned up the mess, playtime is over.
7. A Pancake Day race for 40 primary school children in Devon was almost cancelled this year after the school was told it would cost £280 to insure, and required a detailed risk assessment and 25 marshals.
8. In 2002, the Government advised schools to replace traditional sports days with group 'problem-solving' exercises.
9. In April this year, some Scottish schools were apparently told that football matches with a five nil score or above should re-start at zero after half time, to prevent the losing team being humiliated.
10. One young people's football league tried to censor local press match reports for the same reason.
11. The recent case of the primary school teacher accused of sellotaping over a child's mouth even though the children had regarded it as fun. The case actually reached court where the Judge described it as 'clearly no more than a bit of light-hearted fun in the classroom'. He dismissed the charge, saying the case should never have been brought. He criticised the 'indignity' of the police arresting the teacher and said that, in forcing a nine-year-old to come to court and give evidence, the prosecution had 'not reflected the girl's interests'.
12. The Qualifications and Curriculum Authority now wants teachers to carry out 117 assessments on each five year old that they teach. Apparently they want to know whether an individual five year old 'understands that [she or he] can expect others to treat her or his needs, views, cultures and beliefs with respect'.
13. It is now proposed that the police keep a record of every stop they make – and that anyone stopped by the police should be able to see a record of that paperwork. It takes

about seven minutes to do the paperwork for each stop. For half a dozen stops, that's the best part of an hour.

14. Health experts spending time and money banning sponge cakes baked by the Women's Institute.

15. Political correctness is also expensive. It has even led to the removal of hanging baskets.

16. The burglar wounded by Norfolk farmer Tony Martin³ was given leave to use legal aid to sue for compensation.

17. Convicted mass murderer Dennis Nilsen was able to argue that his 'right to information and freedom of expression' entitled him to receive hard-core pornography in prison. Those last two examples were pursued under the Human Rights Act.

Analysing the speech

Did the people of Stafford deserve a speech so sloppy as this? It is vague in the extreme. Allegedly at fault are 'staff', 'a local council', 'a magistrate', 'one school', 'health experts' and other anonymous malefactors. Scottish schools were 'apparently' told something. A murderer was 'able to argue' something else. It is all pretty thin and insubstantial. In most cases we are not given enough information to judge. Item 2 is likely to show nothing wrong. The same with items 6 and 16.

The dreaded 'compensation culture' appears in items 5, 6, 7, 14, 15, and 16. Shouldn't that worry us? Perhaps, but it is we lawyers who are to blame. Judges award compensation and fix the amount. They have been far too generous with other people's money, and insurers have reacted accordingly. Lawyers' professional bodies have relaxed the former strict rules against touting for business and ambulance chasing. Much has happened for the worse since I wrote nearly forty years ago: 'The professions believe that it is undignified to solicit business, and harms the confidence of the client in his adviser'.⁴

Mr Howard attacks political correctness, but what is this exactly? In 1992 I wrote a scholarly *Dictionary of Political Correctness*. It was about to be published by the Oxford University Press when the Delegates of the Press, the senior Oxford dons controlling it, suddenly took fright. The OUP has important interests in the United States. Over there, it was thought, my book might not go down very well; indeed might be thought *politically incorrect*! So the very subject of the book torpedoed it. Appropriate I suppose.

I put a lot of hard work into the book. One consequence was that I came up with the following as a definition of political correctness:

The main reason for labelling a term or use politically incorrect is that it is thought to be derogatory of a category of persons because it shows disrespect or

³ Mr Martin was an elderly man who lived all alone in an isolated farmhouse which had been the target of numerous burglaries. During one such occurrence, Mr Martin had fired his gun at the intruders, killing one of the burglars and wounding another.

⁴ F.A.R. Bennion, *Professional Ethics: the Consultant Professions and Their Code* (London: Charles Knight, 1969), p. 134.

disparagement, or may cause offence, or is considered judgmental, or promotes racial, sexual or other stereotyping.

How many of Mr Howard's seventeen examples really fall within this definition? I make it six at the most: numbers 1, 3, 8, 9, 10 and 12. This is not to deny that political correctness is a scourge. Every day there are reports of its nonsenses. Here are three examples from just one issue of the *Daily Mail*.⁵ (1) Workers at the Welsh development Agency were advised not to use the term "nit-picking" because it originated with the slave trade and could offend Afro-Caribbeans.⁶ (2) They were also advised not to use the term "brainstorming" because it might offend those with mental disability. (3) A railway employee at Hove station in Sussex was disciplined for putting the following joke on a blackboard to cheer up passengers facing delays: "Hear about the dyslexic who went to a toga party dressed as a goat?". A po-faced spokesman for the railway company said: "Some people might find it amusing, but we have to cater for all our customers".

The person who is keen to practise political correctness reminds me of Kipling's banjo-player-

I'm the Prophet of the Utterly Absurd.
Of the Patently Impossible and Vain –
And when the Thing that Couldn't has occurred,
Give me time to change my leg and go again.

The prevailing public mask of political correctness is positively driving people to express in private extreme sentiments which otherwise would not be uttered (or perhaps even thought). I have noticed among my own family and friends a growing tendency to use outrageous language simply in defiance of the PC lobby. This is not really a question of sniggering in the corner. Sniggering implies guilt, and quite frankly we are not at all guilty about defying the thought police in this way.

The real cause of complaint

I have already hinted at Mr Howard's real cause of complaint. It was not political correctness at all, irritating though that is. All his seventeen examples, except the six I have just mentioned, arose from errors of one sort or another *by lawyers*. Lawyers in the Crown Prosecution Service have acted inappropriately. In their compensation awards, lawyers acting as judges or tribunal chairmen have been far too free with other people's money. Judges construing vague human rights formulas have applied them too expansively, so that they have been taken far beyond what used to be thought of as natural rights.

And of course criminals like Tony Martin's burglar and the murderer Denis Nilsen have tried it on with the legal system, as people will. It is up to the lawyers concerned not to let such people get away with it.

So Mr Howard's target should have been the legal profession, not political correctness. The latter is a social rather than a political question in any case. Moreover we should guard against letting the term become so wide that it is virtually meaningless. Here are two recent examples of what some people may think of as political correctness.

⁵ 13 Sep 2004.

⁶ This is false. In fact the term was first used in 1956.

1. The recommendation of the Reed Smith/Longbridge survey that City of London law firms should “stop relying on top A-level grades in selecting the lawyers of the future to attract more ethnic minority entrants” and that “they should forge links with the less popular universities rather than selecting from the traditional places such as Oxford and Cambridge”.⁷

2. The recommendation of the Black Police Association that future recruitment to the police service should include a quota for black and Asian candidates.⁸

I do not think it should be thought of as political correctness to try to ensure that ethnic minorities are fully represented in our institutions. We need to remember that remark of Mr Balfour’s about the tyranny of majorities. But whether quotas and positive discrimination are the right way of going about it is, of course, another matter...

[Francis Bennion, a former UK Parliamentary Counsel, is a member of the Law Faculty of Oxford University.]

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⁷ See *The Times*, 1 Sep 2004.

⁸ BBC Radio Four, *Today*, 4 Sep 2004.