

COMMENTARY

THE MORALS OF OBSCENITY. A legal decision can be a poor substitute for a moral judgment, and the confusion of some of the evidence given for the defence in the *Lady Chatterley* case has done little service to the cause of responsible freedom. In the context of the necessarily arbitrary provisions of a statute a novel may be declared innocent of obscenity: but any book, forbidden or not, remains to be submitted to the bar of the conscience, and the conscience needs to be informed. It would be lamentable if Catholics simply relied on restrictive legislation to bolster up sanctions which properly belong to the moral order. The young people, for whose fate the prosecution seemed so solicitous, need more than a negative to keep them from corruption. The case indeed raises yet again the whole dilemma of preserving traditional Christian values—of which a legitimate reticence in matters that relate to the intimate life of the body is one—in a society that is so largely organized to destroy them. And of course any bookstall, and several Sunday newspapers, provide evidence of obscenity far more insidious than anything in Lawrence's laborious portrait of integrated sexual love. The equipment of criticism is not easily acquired, but one is entitled to wonder whether religious education is always related to an actual world of moral choice, to preparing the conscience for its proper work. It is here that the answer must lie, short of the mirage of absolute proscription which some commentators on the case seem to long for.

UNDER TWENTY-FIVE. The November issue of the *Twentieth Century* has been entirely written by young men and women born since 1934. They do not claim to be representative of youth as a whole: they were (or are) all at Oxford and Cambridge, and even the widened doors of the old universities exclude many whose opinions we should want to hear. There seems a supreme indifference to politics, more sympathy to religion than might be expected, and the Bomb fills the whole horizon. Mr Colin Bell says that the success of the Nuclear Disarmament campaign 'has been its rejection of all political affiliation and political casuistry'. But he admits that 'it has not pursued the logic of its idea either into general policy or into political action'. His article, with its final appeal—'Try giving don't care something to care about'—is a convincing answer to older observers who complain of irresponsibility in the young, absorbed in the private world of the coffee bar, deaf to a call to any

arms at all. It is hardly surprising that the old assumptions seem hollow, if not hypocritical, to those who have grown up under the shadow of nuclear war. That some at least can be generous in response to an appeal they respect is plain from the account by Mr Gregory Wilkinson of the international work-camps. The practical enthusiasm evoked in the universities by the World Refugee Year, for instance, was only surprising to those elders who had failed to see that frustration is the obverse of action. 'No one, young or old, gets particularly excited by the picking of sides for a mock battle', remarks Mr Bell, and it is encouraging that when the battle seems a real one there is no want of fighters.

WHEN IS SUICIDE A CRIME? Recent proposals for a change in the law on suicide—or at least for a modification of its exercise—provide yet another example of the need to see the criminal law as necessarily inadequate to determine degrees of moral guilt. The sin of suicide, of deliberate self-slaughter, is in a true sense the most radical of all: it usurps God's dominion over life, it is an absolute rejection of God's gift to man of a share in his own nature. But it is plain that in many cases—perhaps in the vast majority—there are factors which reduce responsibility to such a point that neither morally nor legally can the act, still less the attempt to perform it, be counted deliberate in its malice.

In recent years deaths by suicide in England and Wales have numbered more than five thousand per annum. A loss of life of this magnitude is clearly a disease of society of which note must be taken. Suicide has been treated as a crime (self-murder) since the very early days of legal history, and, while no penalties can now be inflicted for the completed crime, penalties can be, and are, imposed for the common law felony of attempted suicide. Is recourse to the criminal law the most satisfactory treatment for this social disorder? The more thorough the understanding of the natural history of any disease, the more specific and effective can be its treatment. This principle applies just as much to illnesses of society as to those of individuals.

Only comparatively recently has the study of attempted suicide been distinguished from that of 'successful' suicide. This is in part due to the lack of reliable statistics. Attempted suicide is a distressing episode both for the person concerned and for his relatives and friends. For this reason, in many cases, perhaps the majority, the police remain in ignorance, and of those that do come to their notice, prosecutions are instigated in only a minority. This is but humane consideration for the persons concerned. But the inevitable lack of

data mitigates against effective research into a complete understanding of attempted suicide.

The term 'suicidal act' is used to include both actual suicides resulting in death and attempted suicides. To what extent mental disorder is present in all suicidal acts is a matter of dispute. Cases which come to the coroner may or may not show clear evidence of the deceased's state of mind. More often than not such evidence is equivocal, and a study of coroners' verdicts in such cases shows that the use of the time-honoured phrase 'while the balance of his mind was disturbed' varies much more from coroner to coroner than a comparison of the evidence in the cases would seem to justify. This is probably due to differences in individual coroners' ideas concerning the susceptibilities of the relatives. (It is a fact well known to those who spend much time in coroners' courts that while the coroner's primary concern is that he should arrive at a true and just verdict, his next most important consideration is to lighten so far as may be possible the burden on the relatives.) Some coroners consider that the thought of insanity in the family is an appalling stigma, while others regard the fact of having a suicide—a self-murderer—in the family as a greater blot on the escutcheon. The former type of coroner will, whenever the evidence allows him, record a simple verdict that the 'deceased took his own life', while the latter will seize on all evidence which would justify him in adding the words 'while the balance of his mind was disturbed'.

Another view, at present unacceptable to coroners, is that a suicidal act is of itself evidence of mental disturbance—an illustration, in fact, of the legal maxim *res ipsa loquitur*—because, however sane and logical the motive and even preparations for the act, when it comes to the point of execution it is directly contrary to that most powerful of the primitive instincts, self-preservation.

There are three basic motives for suicidal acts:

- (i) Genuine self-destruction.
- (ii) A method used by the perpetrator of the act to draw attention to himself.
- (iii) An attempt to hurt others.

Man has free will, and in choosing to destroy himself he is exercising that free will, albeit in a manner contrary to the natural law. It is in cases with this motive of self-destruction, for whatever the reason, that one finds the most determined suicidal attempts, and those in which there is most danger of repetition of the act if the first attempt is survived. A variant of the self-destruction motive is shown by those less convinced persons who prefer to shelve the ultimate responsibility. They carry out some act which they believe

to be dangerous to their own life, and leave the outcome to 'the will of God'. If they recover they are usually quite happy that, so to speak, justice has been done, and that they are intended to go on living. These people do not normally repeat the ordeal.

The attempted suicide in general attracts a great deal of attention, mainly of help and sympathy, maybe under the arc lamps of court proceedings and a short term of imprisonment. Suicidal acts may be made by people with a real or imaginary chip on their shoulders as a means of directing attention towards their grievances. These socially inadequate individuals probably do not really want to die, merely to give the impression that they intend to take their own life. If it were possible to identify them in retrospect, which it rarely is, a proper verdict in cases resulting in a fatal outcome would probably be one of accidental death.

There is no doubt that the basic motive behind some suicidal acts is purely malicious in that what is sought is revenge upon those close associates who would be distressed by the act. Such a form of malice must be considered as psychopathic.

It is clear from the above that persons who attempt suicide deviate from the accepted mental norm.

Is, then, the criminal law the best treatment, either prophylactic or curative, for the problem of suicide? One answer is given in an editorial comment in *The Lancet* of 24th May, 1958:

'The great majority of persons attempting suicide are in urgent need of medical care. Such compulsory powers as are required for the welfare of these unfortunate people and of society are better modelled on those devised to help the mentally ill than on the criminal law.'

It is, perhaps, in the light of such considerations as these, that proposals for the modification of the law on suicide—or at least for its interpretation—should be considered.