

NO VALUES WITHOUT FEAR: REAPPRAISING CONDUCT

W. B. ALLEN

James Madison College, Michigan State University

© W. B. Allen

Shaftesbury wrote that “profound thinking is many times the cause of shallow thoughts.”¹ In thinking of the weakness of shame to control personal conduct in modern times, I find it hard to resist the thought that the shallowness of that modern philosophy against which Shaftesbury wrote contributed mightily to produce this incongruous result in souls shaped by nature to respond to the sting of shame as the ass responds to the sting of the whip by getting on with business.

What sober mind failed to note, as the case of Michael Fay unfolded in Singapore, the singularly obsessive and shallow fear a caning evinced in the western world, especially in the United States? At moments it appeared that even capital punishment might be better tolerated than the deliberate infliction of bodily pain in repayment for social malefaction. Men were not always so tender, and it stands to reason that whatever accounts for their having become so may bear some relation to the utter loss of a generalized fear of social stigma (save in the case of ideologically determined standards of identification). Indeed, in proportion as the fear of pain inspires ever more powerful aversions in human beings, shame increasingly becomes a toothless tiger.

It were not always so. The case of Col. Lewis Nicola displays an earlier standard. This brave soldier’s “sin” was to imagine George Washington as his country’s rightful tyrant rather than its father. Washington’s stern, angry rebuke to Nicola so stung the Colonel that Nicola never recovered. Successive abject apologies did not relieve his mind of the shame he felt for having suggested that the army should make Washington monarch to relieve the country’s distress.

Perhaps it will be thought inappropriate to raise examples of the well-bred in order to open a discussion of contemporary social problems which generally take the ill-bred and lower classes as the subjects of inquiry. The familiar modern line of reasoning runs from an ill such as bastardy to poverty to crime to great poverty to great crime; the thought is that from the cause the effect surely follows, and the cause transcends or at least remains indifferent to character. The well-bred, accordingly, need never become *problems* and face only the danger of becoming victims.

I would maintain, however, that the well-bred in every era never have greater resources to bring to bear on critical social ills than they dispose of for their own affairs. The chief resource of the best bred in our own time seems to be money, and characteristically money is the specific repetitively applied in efforts to cure social ills. Bastardy produced aid to unwed mothers. Drug addiction summoned therapeutic rehabilitation.

¹ *Characteristics*, “Miscellany IV”, chap. 2, p. 295 (Indianapolis: Bobbs-Merril, 1964).

Chronic pauperism and unemployment spawned entitlements, training programs, and public sinecures (whenever the rare impulse to demand responsibility from recipients of public charity could be heard). In the United States very recently legislation euphemistically designed to “get tough on crime” had to be paid for with so-called “preventive programs” whose premise is that public welfare could distract potential criminals from their waywardness. Today the prime asset social elites possess is money—even if not so inexhaustibly as utopians imagine—and they apply it liberally to salve social ills without ever reforming personal conduct.

I prefer, accordingly, to inquire where the well-bred went astray, as a means of seeking alternative foundations for the necessary work of reforming patterns of social conduct which materially undermine conditions of social stability.² On this occasion, specifically, I inquire why shame—the fear of disrepute—no longer serves to shape conduct and whether we may restore its power.

Normally men employ attractions and aversions—incentives and disincentives—to motivate human beings toward desirable conduct. It may seem indifferent whether one employs incentives or disincentives, so long as the end be attained. Increasingly, however, certain dysfunctional behaviors seem intractable to every incentive and disincentive. It is easier to understand why incentives in general may fail. Where incentives alone prevail, relationships of de facto bribery or extortion evolve. That is, when “a” attaches a buy-out price to “b’s” avoiding certain behaviors, it is in “b’s” interest progressively to worsen his behavior, thereby increasing the pay-off required to control it. As the economist might put it, there is no equilibrium price that can be established, for any price attached to averting a little “b” necessarily implies a higher price attached to averting a lot of “b.” The social welfare principle always buys more of what it is willing to pay for, for “b” has a well nigh infinite capacity to worsen his behavior.

Perhaps disincentives would work better, reversing the pattern. The usual disincentives, however, depend entirely on men’s conceptions of (1) the bases of human actions and (2) the ready availability of methodologies to apply them. Pain is a disincentive but is, in fact, less generally available than one might imagine. Stigma is a theoretical methodology but, in fact, is either not used or not currently effective for particular reasons. In the balance of this paper I review the situation *vis-à-vis* these two methodologies and the potential for a revival of either or both, weighing the ineligibility of pain and the impotence of stigma.

The Ineligibility of Pain

Stanley C. Brubaker argued in 1988 that “the ability to punish criminals is part of a larger moral experience that is lost with liberalism’s expulsion of the human good from

² Reports on the recent work of David Selbourne, *The Principle of Duty*, suggest the correctness of this approach, even if he errs in blaming the American Revolution for the decline.

politics.”³ This seems to be what Selbourne means in arguing that contemporary citizenship is “a catalog of ‘absolute rights’ without corresponding ‘ethical duties’... a ‘corrupted liberal order’ where citizens have turned into ‘ethical strangers’...”⁴ Brubaker, however, maintains a principle of logical necessity, descending from the liberal order’s attempt to remove anger from public life, and its correlative focus on the individual rather than the community.⁵ Most importantly, however, comprehensive punishment “inflicts pain on the criminal distinct from what is necessary for deterrence or rehabilitation.”

Liberalism (and Brubaker means Lockian liberalism) turns punishment into a proportionate tariff on unacceptable behaviors instead of a statement about an individual’s character, for the sufficient reason that liberalism mediates all statements of character by means of conceptions of personal goals. It is only the *effect* of the personal goal—not the goal itself—which commands social reprehension. To swear at the inanimate object that bruises one’s toe becomes equivalent to swearing at the criminal who steals one’s cloak. Liberalism, then, does not prohibit ill-doing, it merely penalizes it. Pain is not regarded as an apt penalty, and even the price of one’s life must be rendered as painlessly as possible.

By drawing from Locke Brubaker explains why pain is ineligible under liberal constructs, but he does not sufficiently derive the reason for this. He does not explain the connection between the ineligibility of pain *and* the impotence of shame. Beyond the formal constructs of philosophical systems, as Shaftesbury explained, it is necessary to touch the transforming psychological roots of these principles. He did not explain why pain came to be regarded exclusively as material or physical pain.

The Impotence of Shame

Thomas Hobbes identified the powers of lust and repulsion or “appetite and aversion” as the pillars of human conduct. In doing so he balanced fear and love or friendship as effective motivations among human beings. At the same time, however, Hobbes made clear that appetite was narrower than love, focusing mainly on the sensation of pleasure, while aversion was focused mainly on the sensation of pain (and thus rightly called fear). Hobbesian materialism introduced to the modern era the possibility that human conduct could be regulated with resort to the powerful positive and negative forces of pleasure and pain.

Regarding pain, however, an interesting thing occurred. The fear which disposes men to avoid painful exigencies, now understood only in material terms and not in social terms, becomes a much narrower construct than would have operated in the sons of a

³ “Can Liberals Punish,” *APSR*, 82:3, 1988. pp. 821-835.

⁴ Richard C. Morais, “ME! Me!Me!,” a review of Selbourne’s *The Principle of Duty*, *Forbes*, Sept. 12, 1994, p. 90.

⁵ *Op. cit.*, p. 825.

Brutus in ancient Rome. When Brutus surrendered his sons to the laws of the state, stifling every paternal affection, he provided a powerful lesson to every other father and son. He did this because the pain of shame was a more powerful motivation than the pain of losing his sons to execution. In those earlier days, fear was a much bigger word, the kind of word that caused an Antigone to respond to an Ismene that execution at the hands of the state terrified her far less than the shame of infidelity to her family. Ismene was afraid, and called cowardly by her sister. Antigone, however, was no less afraid, afraid to dishonor her family.

The fear which motivates upright conduct has no share of the fear of pain, for often enough it fosters a willingness to endure pain in order to avoid shame. Since the age of materialism has spread so generally throughout the world, however, it is almost only the fear of pain which is felt by individuals. A result is that social conduct is largely unrestrained precisely in those areas where shame alone could operate to restrain conduct. For example, school children in urban areas rarely fear their parents learning of their delinquencies (as once was true) so much as they fear falling victim to their fellow delinquents. They will accordingly arm themselves and shoot.

Peer pressure is often evoked in explanation of much youth behavior, but peer pressure is only an impoverished version of the system of moral restraints in a mature society. Do the young truly respond from a fear to lose the respect of their peers, or do they respond in a world characterized by a vacuum of respect? I submit that the latter is true, and that what looks like peer pressure is nothing but the line of least resistance consistent with personal tastes for pleasures and pains. The only means to alter this pattern is to re-establish the vigorous operation of a fear of shame. Some modern Brutus must demonstrate for her weaker-willed fellows what it means to be dishonored by one's sons, in order for a healthy, social fear to recover its power to guide human conduct.

The foundation of the foregoing analysis is the premise that men may reason to just conclusions about human nature from the outward signs of human conduct. Hobbes and Locke turned men towards personal goals and feelings as autonomous and therefore arbitrary. As such, our reasonings about human conduct—in this light, better called behavior—had to turn on principles more steady, namely, material interests. This move deprived men of every opportunity systematically to apply the levers of duty and shame as regulators of human conduct. Scientific inquiry itself eschewed all concern with gross behavior, in search of inner and even unconscious sources of motivation.

A Science of Proper Conduct

The last substantive occasion offered to men in the west to make gross behavior the foundation of judgments about human conduct (and character) took shape in the novels of Jane Austen. The thrust of that lesson was imaged pithily in chapter five of *Emma*, when Mr. Knightley interrupted long and painful speculations on a case of foul weather that would prevent visiting families returning from dinner at the Randalls with the report that he had simply stepped out of doors to have a look, upon which he could confirm that

there was not “the smallest difficulty in their getting home.” His empirical manner had dissolved what to all others had seemed an unpleasant moral dilemma. Gross empiricism overcame refined speculation and reconciled the parties to their duty. The novel itself, of course, has much to do with distinguishing evident signs of character from nuanced interpretations of motive.

Cultures in which shame retains its vitality operate much in the manner of Knightley’s gross empiricism—a person is taken to be and treated as what he obviously does rather than what he purposes. Nor are explanations of conduct founded in material or emotional inducements sufficient to offset palpable judgments of malefaction. So high a standard—no excuse is acceptable—is bound to induce fear of the consequences of being thus exposed.

Whether we today can recapture some of the regulative power of shame and stigma to address chronic social ills depends on the ability of the best among us to refit our vocabularies for the purpose. It will not do to affect an innocence long since lost. The scientific posture renders skepticism about the human good an indefinite companion of our moral reasonings. It must follow, then, that shame can reassume its power in human affairs only insofar as science and art can discover anew grounds to take it seriously.

Jane Austen’s coaching failed of its mark when science discarded reason as a tool for weighing gross conduct. Modern science abandoned a science of moral characteristics for a science of general human behavior. In this light, Marxism was not a radical break but only the perfection of a theory of exogenous explanation of human behavior—not an extreme but the last step in a graduated process. Today the only positive methodology which seems open to the possibility of a science of moral characteristics is that variant of what is called public choice analysis which takes as its object of inquiry the actual conduct—as opposed to the ideologies, purposes, or visions—of public officers. It is more than an application of microeconomics principles to public decision making. It is more deeply founded on the premise that collective action is explainable only by recourse to the particular interests of officeholders.

This interest remains that found in the impoverished version of liberalism. It possesses the distinctive characteristic, however, of being nakedly exposed without further authority to which to point as a determining condition of the shape it takes. As such, it invites common sense appraisal as worthy or unworthy. Thus, this version of public choice creates a model which may, in turn, be applied to any human conduct. This is the positive theory that would fulfill Austen’s implied positive science of moral propriety, and it becomes possible only when we recognize that a skepticism as to ends does not entail a skepticism as to moral capacities.

I do not pretend that this version of public choice is a mature moral science. As yet it has not progressed beyond applying rational choice principles to focus a moment of moral determination in the individual rather than in a reduction beneath the level of the individual. At present it has not advanced beyond trying to map all possible choices (game theory), while in principle the positive science of moral conduct should be able to

identify stable characteristics and therefore patterns of explanation and judgment. Still, this model which refuses to try to guess what is going on inside the minds of individuals surpasses the prevailing methodology. The current, exogenous model of analysis yields the paradigm introduced above: illegitimacy → poverty; poverty → crime; great poverty → great crime. In this model what is itself no evil, poverty, is locked in a cycle of explanation between the evils of bastardy and crime. What this model really says is that the evil of bastardy is poverty, and nothing else. The painful consequence is the only evil. When, therefore, illegitimacy couples with wealth, there is no evil. This is not a general explanation, whether of illegitimacy or of poverty; the putative connection based on a model of exogenous explanation is clearly wrong. Still, an inerrant human sense points to some explanation here that applies unfailingly. To find it we need to look at the individual, and at a science of proper conduct.

Where men today hesitate to judge one another's views of the human good, they freely indulge such judgments of similar views that take the form of governmental action. Accordingly, any systematic analysis of governmental action which can assimilate such action to the conduct of human beings in general will provide an instrument whereby to recover robust analysis of personal conduct. In that situation shame can recover its vitality, and where shame recovers vitality the fear of shame can become a regulator of social conduct. By example, if we can succeed in producing a systematic analysis of the architects of welfare liberalism in terms—not of their supposedly benevolent goals but—of their actual conduct, then we could no less surely reprehend the conduct of the supposed beneficiaries of welfare liberalism. That is the starting point for a reappraisal of social conduct, in which we stand of such great need today.

A Science of Distinction

The foregoing analysis is complete, but inadequate for what it does not address: the role of equality in shaping contemporary responses to social dilemmas. One critic of the reasoning adduced here observes that prisons in the United States are filled in record numbers in proportion to the general population. In that rapid sweep of the bases of social judgment, my critic suggests that those “in charge” prove by their responses that they do not, as I insisted, simply throw money at social difficulties. More importantly, however, he makes himself an example of the central tenet in my hope for a science of conduct: he reprehends the guardians of public order for their conduct in imprisoning the victims of “disadvantaged circumstances.” He finds them morally wanting, in other words, and not merely themselves victims, in turn, of material constraints. I will go so far as to concede him the grounds of moral indignation, provided that he will allow me, in turn, to apply a like standard to the conduct of those who are otherwise thought to be mere victims of “disadvantaged circumstances.”

What informs my critics understanding is precisely the unmentioned dimension of modernity, equality. An egalitarian ethic informs the abandonment of shame for the fear of pain as the prevailing ethic of our age. No one may now expand Tocqueville's delineation of the operation of this powerful passion. It is not amiss, however, to observe that there is a close connection between the advent of egalitarianism and the loss of every

ability to reprehend conduct *per se*. For it is inescapable that the science of proper conduct, to which I point, which makes it possible to employ shame to regulate behavior, carries with it an unavoidable consequence, namely, a reemergence of distinction, the enemy of egalitarianism.

The respect earned by proper conduct—as opposed to being assumed by means of democratic right—necessarily entails a consciousness of merit beyond need. Similarly, poverty regarded as an evil is no longer a poverty regarded as an opportunity for exertion. When poverty is regarded as an opportunity for exertion, however, it operates to build the empirical case for the superiority of moral judgments to material judgments. Those who, beginning without, arrive at assured privileges, have a lively sense of what it means to enjoy a privilege by dint of earning it. They distinguish themselves, as moral discourse would have it. Yet, there is no scientific acknowledgment of this vast realm of human doing and reward, which is obvious to every functioning intellect not blinded by ideological faith.

All persons who have personal knowledge of such dimensions that lack scientific status arrive at a functional cynicism regarding the abilities of intellectuals to measure the distance from the tips of their noses to the center between their eyes. A proper science of distinction would avoid this result and avoid as well the present tendency to reify present acquisitions as though they were unrelated to prior exertions. To envision how this observation applies, practically, to science, one may note that every advanced society today conducts censuses of holdings and locations without noticing the underpinning stories of travails and progress, which are no less available to count and which say far more about social dynamics than the relative holdings of statistically identifiable cohorts.

Indeed, the statistical regularities that obtain between certain conducts and certain positions and privileges are doubtless far more obvious than the regularities which ordinarily detain the attention of social scientists. Our dilemma, accordingly, is largely explained by the habits and choices of social scientists who count distinction far less important than suffering.