

Smart Looks Scared:

An Essay on Desistance and Moral Allegiance to the Law

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The other day someone said to me: "Don't come to prison just to get scared now." Implicit in this man's argument is the premise: "The only reason a person has to obey a rule is because he is afraid that someone will hurt him if he does not." This attitude seems typical of the people around me — men whom society has labeled "criminals." And, in truth, this is an attitude that I, too, once shared. But now I feel a moral allegiance to the law, which has in turn caused me to feel morally obligated to obey the rules of society — with both feelings founded upon reason rather than fear. Many people have felt obligation before, so describing this aspect to them is simple. However, when I try to describe what moral allegiance to the law feels like, I have difficulty. How does one describe a feeling to people who have never felt it? I usually end up resorting to a series of justifications for my feelings. What is worse, I find it difficult to fully explain why I once felt otherwise. I remember being a parasite, but I cannot remember the full reasoning I used to justify my behavior. So I set out to understand the source of my moral allegiance to the law, as well as the possible sources of its opposite.

My quest began with a hearty breakfast in the dining hall where, along with other items, I was served an orange. Before leaving, I quickly peeled and ate it. As I walked out into the morning air, I thought about why I did not take the orange with me and eat it at my leisure. Taking it with me would have been breaking the rules, and breaking a rule can lead to sanctions. But was it because of a fear of sanctions that I obeyed the rule? For sure, I did not want to be punished; but if the fear of sanctions was my only consideration, then I would only have felt obliged to obey, rather than morally obligated to obey. The distinction is important. When I feel obliged to do something, I feel constrained by force or circumstance. When I feel morally obligated to do something, my conscience demands that course of action because it is the right thing to do. One is external, the other internal.

Did my conscience demand that I eat the orange before leaving? No. In this instance I did not even consider breaking the rule. I just obeyed out of habit, and I think this habit formed as my taste for order grew more refined. Rules and laws generally have the result of producing order in society. I like order. I like being able to plan my actions with an acceptable level of certainty of the outcome. Because of this overall effect, I appreciate rules and go out of my way to follow them. Does this mean that I once preferred chaos to order? No. But I do think that I wanted an orderly society without having to do my part to preserve that order. Now I understand the cost of order and I am willing to pay it. Some people do not want to pay this cost, or they may not understand that there *is* a cost. I think, also, that there are some people who go out of their way to break laws and rules because they do not really want an orderly society. They want anarchy because they fail to see that anarchy carries costs that outweigh any of its so-called "freedoms."

But, surely, my desire for order is not the only reason that I follow the rules, nor is a desire for disorder the only reason a person might break them. And so, I continued my quest.

Some time later, with this question still on my mind, I was watching two people play chess when I realized that I was actually watching two people obeying rules. The rules defined their activity, and both had an implicit agreement that they would follow the rules until the outcome. Rules and laws define a society, and consistently obeying a society's rules and laws confers upon

a person membership within that society — just as a tacit agreement to play by the rules of chess grants a person the status of “chess player.” I feel like a member of society, so I have internalized the rules. The rules feel like they are a part of me just as much as I feel a part of society. I did not always feel this way. Instead, I once felt alienated and unwanted — so I saw the rules as something external to myself. I imagine that it was difficult to obey rules that always came from outside of me. With this realization, I began to think about what changed or happened so that I now feel like a member of society when once I did not.

Before I could explore that question, I noticed one player look away for a second and the other player use that opportunity to cheat. The cheater was willing to violate their agreement in order to “win;” and, in doing so, he stopped being a “chess player” and became a “cheater.” This seemed odd to me. When I play chess, I feel like I won only when I defeat my opponent fair and square. I would feel less about myself if I had to resort to cheating in order to fool someone into thinking I won. But I think that some people consider trying to cheat and get away with it to be a part of the game. The only rule for them is to not get caught.

Every time I obey a rule, it feels like I just made a smart move on the chessboard. And this is the same feeling that I get after I act out of moral obligation. I am able to act this way because I feel confident in my ability to play by the rules and still win, so it feels like the rules are on my side. This is similar to what it is like to feel moral allegiance to the law.

Perhaps some people who break rules and violate the law do not feel the same confidence in their ability. My self-efficacy has made a virtue of obeying the law, while others have, by process of inversion, made a virtue out of breaking the law and violating rules. Did I ever feel this lack of self-confidence? No, I think I was just lazy and willing to take shortcuts — even though the shortcuts never seemed to lead anywhere worth going. I also wanted what I did not earn because I did not understand that the true value in anything comes from earning it. I eventually learned this truth — perhaps too late — but I do not know how to convey this truth to others. I think it is something that cannot be taught — only discovered through hard-earned experience.

With these realizations, I then believed that I was a few steps closer to forming a complete picture of the issue. I like order, so I like rules. Some people like chaos, so they hate rules. I understand the cost of order, and I am willing to pay it. Some people want an orderly world and do not want to pay for it, or they do not understand that there *is* a cost. I feel confident in my ability to succeed within the boundaries of the law, and I act to protect my sense of self-worth. Other people may not feel the same confidence; so, to continue to feel good about themselves, they make a virtue out of breaking the rules and getting away with it. All of these seemed like valuable insights, but there were still too many loose threads.

Alone in my cell, I started to think about what rules and laws really are. It seems to me that they are not just commands to do this or don’t do that. They are a specific species of command — a species that is wholly different from the kind of command given by some bully. Laws and rules are special in that, if legitimate, they come with laws and rules about laws and rules: How they are recognized, how they are enforced, how they are changed, and how they are interpreted for new situations. One of these rules about rules is that they need to come from a legitimate authority. I recognize the current authority as legitimate, and I appreciate the fact that there are rules about the rules — both of which contribute to my feeling of allegiance. I think some people do not feel moral allegiance to the law because they do not recognize the current authority as being legitimate. Their relationship is constantly adversarial, and so breaking the rules is an act of defiance — an act of war against the current order.

Did I always consider the government to be a legitimate authority? I cannot remember ever giving it much thought before coming to prison. After acknowledging this sad truth about myself, I began to think about what changed or happened so that I now consider the government and its representatives to be a legitimate authority. Absently flipping through television stations, I landed on one of the many small claims court shows. While watching this show, I thought about what life must have been like before the rule of law. Peoples' lives must have been short and violent — until some of them got together to define what was acceptable and what was not acceptable, creating mechanisms to resolve conflict for the common good. The procedures being followed and the laws being applied by the judge on television were also created for the common good. However, the judge was not making decisions based on the common good. She was asking herself, Which person is in the right? And she was making her decisions within the confines of the law. Sometimes the rules are clear, so their application is quick and easy. At other times, the rules are not so clear, and the case requires a human to use his or her power of discretion — a power granted by a legitimate authority. Perhaps the reason some people do not feel moral allegiance to the law is because they do not trust the intentions of those who enforce or interpret the rules. Or, perhaps they feel that those authorized to enforce the rules abuse their discretion, or enforce the rules on some people and not on others.

I do not expect the people who enforce the rules to be perfect because I am not perfect either. And, overall, I think that those people are motivated by the same desires as I am. What I trust is that this system of rules and laws was created for the common good — which includes the good of people I care about. At the same time, I like that the judicial system deals with individuals in an effort to realize principles like justice and equity. I feel allegiance to the law precisely because it is principle driven, and because I share the same principles and concerns.

Taking this line of thought to dinner with me, I sat down at my table and looked at the people around me. Do they not share the same principles as me? Is this the problem? Then I noticed someone steal a second tray from the tray window, and I felt repulsed. But why? Stealing is wrong, I know; but this feeling of disgust went deeper than that. In the same position, I would lose respect for myself if I stole prison food.

But why would I feel like that? Then it hit me: I know where the money comes from to pay for this food. Taking more than my “due” share will skew the kitchen calculus. This means that in the future more food will be cooked, and then more food will be bought. The money spent on that unnecessary food could go to so many more worthy endeavors: schools, roads, and so on. The prison administration wants to spend as little money on me as possible, and I want them to spend as little money on me as possible — because I know where the money comes from and where it could be better spent. I want what they want because the outcome is the right one. This is why I feel obligated to obey the rules. That they want what is morally right (in accord with rational principles) is one reason that I feel moral allegiance to the law. That the law benefits people I care about by working for the common good is another reason that I feel moral allegiance to the law. I also feel moral allegiance to the law because the system preserves my life. A system lacking moral allegiance to me would not keep me alive because I am a drain on its resources. Because I recognize the system's moral allegiance to me, I feel the same allegiance in return.

Seeing how the authority over me is principle driven, and seeing how it values human life — including my own — has allowed me to see that it shares my goals and values, and is therefore legitimate. I want to obey the rules of a legitimate authority, and by obeying I not only qualify for membership in that society, I also feel like a member of that society.

After dinner, I returned to my cell, flossed and brushed my teeth, did some push-ups, and sat down to watch my favorite reality television show. The show involves a group of people who are stuck in a house, competing for limited resources, while the whole world watches everything that they do. There are rules and games involved; but, for the most part, people win or lose based on their social interactions. Some people in the house think that lying and breaking promises are permissible because "it is just a game." Other people in the house consider lying and breaking promises to be wrong no matter what the situation. What is at issue here is morality: What is right and what is wrong. Besides its entertainment value, the show also serves to highlight how morality and the law are not the same things. However, morality and the law often overlap because they deal with human interactions, human tendencies, and human vulnerabilities. Some people in this reality television show house are able to compartmentalize their morality. Others feel like their morality is a part of everything that they do. I feel the same way. I cannot put aside questions of what is right and what is wrong — not even when people around me agree that the situation allows morality to be suspended.

This was the final clue that I needed. I now understand that it was my relationship with myself that needed healing before I could feel a moral allegiance to the law. After that, it all fell into place. I trust myself, I like myself, and I know what principles I stand for. An authority that supports those same principles is, in my eyes, legitimate; and a society that supports such an authority is one that I am willing to earn a place in by obeying its rules.

No, I did not come to prison "just to get scared now." I came to prison to get smart; and sometimes smart looks scared. But the people who see obeying rules as "acting scared" look to me like people who can only walk in circles. And why would I ever ask directions from someone like that?