

2015 04 29

Mike Polioudakis

### **Following Rules for the Sake of Following Rules**

This essay is about following rules because they are rules, or not doing that, and the effects on political success either way. Originally the ideas in this essay were in my book "Religious Stances", Chapter Two on political values, but the material grew too large and I took it out. This note is only an introduction to the topic. In "Stances", I stressed we should follow "Rule of Law".

I have seen personally, and seen also in reading, that groups do well when members obey rules because rules are rules and members do not obey rules only because rules lead to personal gain or group gain. You do not "not litter" because litter pollutes but because there is a rule against it. You offer to buy a meal for a hungry person not because it helps society but because you should – there is a rule for it. Breaking rules feels ugly and indecent; following rules feels "pretty" and decent. Following rules often does lead to personal gain and group gain in the long run but neither gain is the immediate reason that people follow rules within successful groups. Groups in which people follow rule include Northwestern Europeans, White Americans, non-White Americans after they have taken in White American values, and East Asians. Some Chinese fit this mold while some do not. Of course, not everybody in a group holds this value but the group as a whole holds this ideal and enough people in the group accept and internalize the ideal.

Groups do badly in which members pay only lip service to rules, and follow rules primarily as tools. "It is better to ask for forgiveness than for permission" is wrong. People in these groups are like chronic liars or sociopaths. They see rules, know that other people follow rules for many reasons, but do not feel bound by rules as rules. People in these groups want other people to follow rules-as-rules as much as possible while they personally are free to use rules as tools for self-interest. People in such groups feel bound only by self-interest. You don't park in a handicap space because you might get caught, not because you cause hardship for a handicapped person or because there is a rule against it. You cut in line when you can get away with it, but you always "squeal" on anybody who cuts in line ahead of you, and you get them thrown out of the line. You have no problem feigning illness to draw unemployment pay or Social Security Disability benefits even though you know that fakers undermine the program and hurt needy people. You feel successful collecting farm benefits for your corporation even though you know it undermines the whole economy.

Intermediate groups occur when people tend to follow rules as rules within their group but to use rules as tools when interacting with other groups. The intermediate case often falls back into the bad case. To see why, we have to look at the idea of rules in service to the greater good of the whole; that query in turn brings up issues of "pure" morality versus utilitarian morality and functional morality.

Smart people in nearly all groups have justified rules by saying rules make it better for everyone in the long run even if, sometimes, some people have to give up a little in the short run. Even people who lose in the short run usually gain more over the long than they lost in the short run; they gain either directly themselves or through benefits to kin. This argument is true, and it is a strong argument for good rules and for the rule of law. If kept in its place, this argument strengthens society. But this argument has the unintended results of undermining rules as rules, encouraging the idea of rules as tools, and hurting society.

When a smart good person says rules are for the good of society, a smart bad person hears “Rules are not for themselves, rules are for the good of something else, rules are for something else. In that case, why not think of rules as for the good of me?” If a rule is not something in itself but is for something else, it is hard to make sure rules are only for the good of the greater society, and easy to allow rules to be used for the good of me regardless of society.

If we see that rules are rules within our own group but rules are tools when dealing with other groups, and, within our own group we explain rules as tools for something else – even something as grand as the good of the group - it is easy to say all rules are only for something else and the something else is me. Saying that rules are tools for the good of the whole doesn't stop the erosion. Precisely because this practice of selective rule-following is excused in the name of the whole, people do not see rules as rules but as tools. People see rules, at the deepest level, not as rules but as instruments. That attitude infects all rules, even within the group. The intermediate cases of rules-as-rules in our group but rules-as-tools with everybody else break down into simple sociopathic selfish manipulation.

On the other hand, if we insist only on rules-as-rules while never considering the relation of rules to principles such as justice and mercy, never consider the relation of rules to individual welfare, and never consider the relation of rules to the greater good, we run into other worse problems. At the least, the group becomes a tyranny. A group tyranny usually falls into the hands of a dictator. So rules-for-rules-alone finally serves its opposite.

Obviously people need to find a balance but that is not easy. Once a society finds a good balance, it is worth fighting hard to keep the good balance. That is a good conservative principle.

Conservatives complain about liberals relying too much on utilitarian (individual and group good) and functionalist accounts (group good) of morality and human group life. This is what they have in mind, the destruction of the idea of rules-as-rules and the entrenchment of selfishness. Liberals usually don't get this point. Liberals complain about conservatives relying too much on rules-as-rules and using rules as a screen behind which to institute self-serving tyranny. Conservatives do get this point. They deny it is true, or say this danger is less than the danger of sociopathic selfishness.

Here it is useful to summarize by stating some puzzles and paradoxes:

-Rules alone are not enough. We have to supplement rules with principles, mercy, judgment, and other human factors that are hard to pin down.

-Still, groups do best when they follow rules-as-rules and when they deliberately avoid concern about doing well as a group.

-When groups subordinate rules to the good of the group, they do less well.

-When many people in the group see rules as tools, the group does badly.

-When groups follow rules as rules without regard to individual benefit, group benefit, or mercy, the group quickly becomes a suffocating tyranny.

-The paradoxes above parallel this paradox: Successful making of goods in capitalism often depends not on adept marketing or efficient plant management but on craftsmanship and quality. When makers focus on making something well, the product often does well on the market. When makers try to produce some “piece of crap” that sells well, eventually it bombs. The great modern case of this is the American automobile market after about 1970. In the long run, this is true even in entertainment.

-The above paradoxes go along with another paradox: Those capitalist economies that support pure research, without consideration of economic gain, do better in the long run than economies that put pure research behind practical research or behind implementing the ideas of other countries. Without pure research, Europe and the United States would have sunk long ago. A huge mistake of the Reagan and post-Reagan years was putting practical research ahead of pure research. The comments in this paragraph apply to “hard” science. As far as I can tell, social science, while fascinating, does little for long term wealth.

Societies that value rules, craftsmanship, and science also tend to value education and to value the kind of engineering that has firm roots in science.

What is the difference between following a rule because it is a rule or because it is moral regardless of personal gain or gain to society? That is an issue in the classic play “Antigone”. Not all rules are moral; and some rules certainly are immoral. The sales tax in the United States is a well-founded rule but it is clearly immoral. People who follow rules because they are rules tend to think of the rules as moral while people who only use rules as tools disregard morality either way. This topic is large. For here, it is convenient to assume that people who follow rules as rules have a good sense of morality and reject rules that are clearly immoral. They follow rules that are moral or are morally neutral. So their rule set includes moral rules and other neutral rules but few immoral rules. Sometimes people who follow rules are compelled to follow immoral rules as I am compelled to pay sales tax on food. People who follow rules as tools do not care about the morality of rules and might prefer rules that are biased or immoral. I hope to take up this topic in more detail in other writing. Here, we can let it go.

What is the difference between following a rule because it is a rule or because it is sacred? Here I don't care why the rule is sacred. Usually the sacred and the moral coincide quite a bit. Here I don't care about where they do coincide, where they don't, or why. As with morality, assume people who follow rules as rules have a good sense of sacred and unsacred or anti-sacred. People who follow rules as rules will follow a rule unless it is clearly anti-sacred; those rules are rare. Now, do people clean up around the neighborhood because cleanliness is a rule or because cleanliness is next to godliness? It is hard to say, and, for here, I assume it is usually because cleanliness is a rule. Do people observe the Sabbath because it is a rule or because God said so? What about people who never believed God said so or people whose ancestors might have believed God said so but themselves have given up that belief for a long time? The rule set of people includes rules that they follow only because they are rules and rules that they also follow because those rules are sacred. Usually people internalize the following of a sacred rule and follow it because it is a rule. Except for brief comments below, I let this topic go here too.

The relation between following a rule because a rule and because we should is not clear, not even in the branches of philosophy that devote long essays to clarifying such matters. Do we follow a rule because it is a rule or because we should do that? Do we give to charities because it is a rule, for example a rule to give ten percent, or because we should give, regardless of percentage or any other rule-like details? Do we vote because it is a rule or because we should, even if the outcome is hopeless and the election is a lost cause? I don't take it up this topic here either.

Now suppose you are a great lawmaker. What you declare as the rules of your nation will be the rules for centuries. You want to set rules for the good of the nation. But you want people to follow the rules as rules, because they are rules. What do you do? What rules do you proclaim?

Conservatives say this is exactly what the Ten Commandments are about. Of course, conservatives always augment the Ten Commandments by their biased selections from the Tanakh (Old Testament), the teachings of Jesus, Christian tradition, and the ideas of their ethnic group and socio-economic class. Jews say this is exactly what the Law is about. Muslims say this exactly what the Koran and Hadith (sayings of Mohammad) are about. Because the laws in these cases are not given by humans but by God, in theory we can accept that we should follow them as rules. But, coincidentally, and because they are given by God and not by humans, they also lead to the best overall society and greatest welfare. This neat solution likely has a strong basis in our evolved human nature (including social nature).

Because I do not know in detail what God wants, the Ten Commandments alone are not enough, and I do not accept uncritically the tradition of any religion, ethnic group, or socio-economic class, I have to think about this issue more along the lines of the great rule giver imagined above without relying solely on my version of the Tankah, New Testament, or Koran.

This essay does not come up with a formula. We are still better if we learn to respect rules-as-such, but, at the same time, we need to cultivate judgment and principles. This is not easy but it can be done.

In considering the role of rules in Western success, my first thought was the combination of Hebrew religious commandments with Middle Eastern codes such as the code of Hammurabi and with Greek and Roman ideas of law and power. This base combined several groups who followed rules as rules, and gave a solid base for Westerners to follow rules as rules, and for later Western success in government, economics, and science. This led me on to think about relations between rules, morality, the sacred, and “should”. In theory, combining the sources is not hard. God gave the Hebrews commands. The commands need no rationale other than God said to do them. The Hebrews did not necessarily follow the commands because there was something about the commands that led to personal success or group success. There was not necessarily any rationale such as that the commands led to personal health as with Maimonides or the commands followed natural groups such as “water animals without scales are not fish, the paradigm water animal”. The rules are rules because God said so. From there, it is easy to think of following a rule because it is a rule. Then all the rules of the priests and of the state take on the aura of commandments of God, of rules for their own sake. I suspect a lot of the Jewish Law got raised to the level of a Law this way.

I think the blend of Jewish Law with Western ideas of law and social rules is the basis for the Western tendency to take rules as rules and not to think too much about using rules for personal gain or group gain. I omit the long tradition in the West about the good of the whole society.

If this resolution were simply true, then we would expect other societies with ideas like Jewish law and Western law to produce people who follow rules as rules, and we would expect those societies to do fairly well in modern capitalism and pseudo-democracy. Societies in which people followed rules as rules would value education, craftsmanship, pure science, and science-based engineering. We would expect that societies with nothing like Jewish Law or Western law not to produce people who follow rules as rules, and not to do well in modern capitalism and pseudo-democracy. These societies would not value education, craftsmanship, pure science, and science-based engineering. They might value the implementation of ideas from other groups. Intermediate cases should be fun for social scientists.

All this is empirically testable but the actual program would be excruciating to carry out, mostly because of flack from social scientists. So I simply assert that I believe it. Some of this program is based on ideas from Max Weber and Thorsten Veblen from around the turn of 1900s but I don't explain here, and this program does not follow either man directly.

We might expect that, in societies where people valued rules as rules, people would tend to think of their rules as coming directly from God, and, the higher the rule, the more closely associated with God, like the Ten Commandments in Jewish, Christian, and, theoretically, Muslim societies. But, in fact, all societies have some ideas that they consider sacred and as coming from God or the equivalent, even in societies where a personal God, theoretically, is not very important. Roy Rappaport called these core ideas “ultimate sacred propositions”. If all peoples have ultimate sacred propositions and all peoples have rules that they follow fairly well, then what is the distinction between groups in which many people follow rules as rules versus groups in which people follow rules primarily only for other reasons,

especially groups where people follow rules primarily as tools? If all groups have some sacred rules, what leads a group in one direction rather than another?

Even in communist countries where people despised official rules they still had unofficial rules and clung to those rules to make sense of life. Although there is no honor among thieves and sociopaths, there are still rules among them, and sociopaths know that other sociopaths will hurt them if they break one of those rules. Thai people have strong rules about rank in society and follow them closely but, other than that, they seem to have little respect for rules as rules. While a clever anthropologist can link Thai ideas about rank in society, and can link Thai lack of respect for other rules, to Thai ideas about morality and the sacred, it is not clear that is much of an explanation to the Thai or to non-Thai.

All these questions about rules and social life are at issue in TV programs such as “The Blacklist” and “Burn Notice, and in movies such as “Silence of the Lambs”.

I have ideas about why some groups go one way or another; why some groups develop their ideas of the sacred, and their ideas of morality, in one direction or another. Here is not the place to go into my ideas about these topics. Here it is only necessary to see the distinction between groups in which people respect rules as rules and groups in which people do not.

Even where people love rules as rules, people recognize that following too rigidly is a bad idea and leads to the betrayal of the spirit of the laws. People recognize the need for mercy and judgment. People see that rigid societies fail. So, it is not as simple as “rules as rules” but requires always the idea of “rules in the context of something else that is hard to put in words and hard to put into rules”.

Still, the basic idea is true: in societies where people value rules as rules, people do better, the society does better, democracy is more likely to work, the economy is more likely to work, and people value craftsmanship, science, education, and good engineering. The opposite is true as well. This is as much as I can say without saying a lot more.

The real “proof of the pudding” in this issue of rules is twofold: (1) More than analysis and platitudes about balance, we need specific suggestions for rules, principles, and applications. I try to give this in other work. (2) We need to figure out what rules would make groups that now are not self-sufficient and are not the source of good citizens into groups that are self-sufficient and are the source of good citizens. In America, that means we have to deal with issues of race such as relations of Whites and Blacks. I also try to do that elsewhere but I don’t like the job.

Besides the practical implications of what we should do for good citizenship and a good society, I am interested in the evolution of the human abilities for rules, principles, grouping, group versus group, selfish behavior, unselfish behavior, manipulating all this, and dealing with all this. Doing all this is not easy. It would take a long time to evolve the various abilities to deal with all this. It is not clear what the sequence of steps would have to be.