

Cambridge University Press

978-0-521-64689-5 - Governing Morals: A Social History of Moral Regulation

Alan Hunt

Excerpt

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INTRODUCTION: THE THEORY AND POLITICS OF MORAL REGULATION

SITUATING MORAL REGULATION

In the city of Berne in 1688 restrictions were placed on winter sleigh riding; women were prohibited from riding in sleighs except when accompanied by their fathers or husbands (Vincent 1935: 367–8). In 1911 the Chicago Vice Commission called for the regulation of the city's ice-cream parlours, which it judged to be locations in which scores of girls took their first steps towards immorality and prostitution (Chicago Vice Commission 1911/1970). In Britain in 1955 legislation, the *Children and Young Persons (Harmful Publications) Act*, was passed imposing restrictions on American-style comics (Barker 1984).¹ In 1983 the city of Minneapolis, at the prompting of prominent feminists, instituted an anti-pornography ordinance. Some of these episodes are familiar, while others are shrouded in unfamiliar historical contexts. All such regulatory activity speaks to us of the anxieties and concerns of its period. Prohibitions on sleigh riding sound bizarre, but we can intuit concern with the weakening of patriarchal rule and condemnation of frivolity and possible sexual opportunity. Calls to regulate ice-cream parlours suggest concern with sites of heterosocial contact and come more into focus when we note that the discourses of the period stressed that it was immigrants, particularly Italians, who owned them. Attempts to restrict comics speak of persistent concerns about juveniles mixed with cultural chauvinism.

Moral regulation projects are an interesting and significant form of politics in which some people act to problematise the conduct, values or culture of others and seek to impose regulation upon them. There are three major grounds for insisting on the importance of moral regulation. The first is that moral regulation projects are often initiated from below;

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the primary initiators and agents are frequently not holders of institutional power. I will show that the social origin of such movements frequently comes from ‘the middle’, from the middle classes. Of especial significance is the important role women have played as agents of moral regulation over the last century. The importance of moral regulation stems from the scope it provides for a variety of different social forces to articulate projects outside the mainstream of official politics and state institutions – sometimes so successfully that these projects get forced upon mainstream political parties and the state. While there are many studies of specific projects of moral reform, there has been surprisingly little attention to the general form or impact of moral regulation movements. However, not all moral reform projects emanate from below. There are some which seem to be the exclusive property of state institutions: a classic instance is the near monopoly by state agencies of anti-drug projects. These dual forms, movements from above and below, invite inquiry into how we should understand the significance of this duality.

The second reason for pressing the significance of moral regulation movements is that they provide classic instances of an intimate link between the ‘governance of others’ and the ‘governance of the self’. In one of his last interviews Foucault identified his major concerns as being “to show how the government of the self is integrated with the government of others” (1989: 296). I want, not only to substantiate this general connection, but to explore the different forms in which projects stimulating self-governance manifest themselves in attempts to regulate others. Projects are not ‘strategies’ – the latter imply some more or less coherent planned course of action; projects may be conscious, but this is not a necessary condition. In particular I will emphasise the way that these projects seem to spill over and become transformed into their opposite. Movements that originate in attempts to promote male sexual self-control find themselves pressing for extensions to the criminalisation of sexual conduct.

The third ground for insisting on the pertinence of studying moral regulation is that such forms of regulation have a continuing significance today. The politics of moral regulation has become increasingly visible over the last two decades. Not only is there a series of persisting traditional moral problems, often with new names, which continue to occupy political and legislative attention – the classic exemplars being abortion, surrogacy and euthanasia – but a wider and more diverse range of social issues is contested in strongly moralised terms. Most strikingly there is a distinctive return to issues that had been prominent at the end of the nineteenth century. Great care needs to be taken to avoid falling into an all too easy cyclical account that emphasises a fashionable *fin de siècle* preoccupation. Yet while the form and trappings of current campaigns

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are different, there is a striking return to some of the prominent themes of late nineteenth-century moral politics. Politics organised around the sexual victimisation of women and children echo the calls for sexual purity and action against 'white slavery'; anti-pornography campaigns reverberate with the extension of obscenity laws at the end of the nineteenth century. Even alcohol regulation, perhaps the central target of nineteenth-century moral regulation, has made a significant return to the political agenda. Alongside these persistent themes the current agenda features a set of issues that are at one and the same time old and new: probably the best example is provided by the moral regulation of consumption. Common items of daily consumption – tea, coffee and tobacco being prime examples – have long been moralised, but there have been profound transformations in the moral discourses within which they are located. The discourses of health now play a disproportionate role; this is significant because to locate the grounds for not drinking coffee as a response to the presence of caffeine at first glance appears to take the issue outside the sphere of moral regulation. But closer inspection reveals a strange persistence of the status dimensions of consumption patterns: located within a medical discourse abstinence now signifies a responsible care for the self, evidence of mastery over the simple pleasures in the name of health and longevity. And as with other fields we encounter differential roles played by public institutions: while smoking was for centuries locked into the politics of status and distinction, today it has been substantially harnessed by a powerful constellation of class cultures and state and medical institutions.

The similarities and dissimilarities between the multiple intersecting instances of moral regulation across time suggest a pressing need to grapple with the field of moral politics. The general pattern has been for debate and inquiry to focus on individual projects of moral regulation. In this form the encounters are often unproductive, bringing to light radically different normative evaluations of the projects under discussion. This book pursues a different approach, seeking a greater sociological distance from the immediate controversies by employing two connected research tactics. First, in order to provide some distance from our current preferences and prejudices, it locates these current controversies within a longer historical perspective. And, second, it aims to contribute to that distancing by employing a comparative approach intentionally looking at similar moral reform movements but in different historical and cultural contexts.

In order to provide a context for these wider historical issues, I will consider whether there is evidence to support the suggestion that there has been a shift from moral regulation of conduct through legislative activity of social institutions to a contemporary situation in which there

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is a 'pluralism of authorities', which require individuals to take responsibility and make choices for their own "self-constitution" (Bauman 1992b: 201–4). This claim resonates closely with arguments that modern liberal modes of government have come increasingly to work through stimulating the active engagement of individuals in projects of self-governance. I will argue that, while there is much to commend this thesis, it is important to recognise that self-governance is not new, but rather that the forms of self-governance have shifted significantly. I will show that there has been a shift from a negative or coercive form of self-governance, epitomised by the quest for 'self-control', to a more positive concern with 'self-formation'.

This transition in the forms of self-governance is exemplified by the shift from the nineteenth century's preoccupation with the promotion and formation of 'character' conceived of as a set of external virtues (perseverance, honesty, etc.) to be mastered and incorporated into the self.² By the mid-twentieth century the quest for character had been replaced by the pursuit of 'personality' without the fixed content of character, but concerned with personal self-formation through self-discovery and thus with the 'work' of forming a distinctive individual identity. Another expression of this shift is the tendency present in a range of modern social movements, particularly in self-help movements, towards an increasing preoccupation with issues of 'identity' (Laraña et al. 1994: 10). These trends can also be seen as exemplifying the shift from the 'struggle for existence' to the 'struggle for recognition' explored by Axel Honneth (1995). This book is concerned to chart the pattern of these shifts in the belief that a better understanding of moral reform movements will promote a more perceptive understanding and engagement with the passions and commitments called into play by today's moral reform movements.

GOVERNING THROUGH MORAL REGULATION

This study addresses moral regulation as a practice of governing in order to focus attention on social action that attempts to influence the conduct of human agents. This involves an expanded conception of governing that

designates the way in which the conduct of individuals or states might be directed: the government of children, of souls, of communities, of families, of the sick. It did not cover only the legitimately constituted forms of political or economic subjection, but also modes of action, more or less considered, which were designed to act upon the possibilities of action of other people. To govern, in this sense, is to structure the possible field of action of others (Foucault 1982: 221).

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The powerful claim at the heart of the sociology of governance is that a wide range of social agents are involved in practices of governing directed at diverse targets. Governing is not restricted to institutions that intentionally set out to engage in governmental activities such as state governments or municipal authorities. Many other institutions and social agencies engage in governing: schools govern pupils, hospitals govern patients, stores govern customers and so on.

An important feature of my argument is that moral regulation can be generated from a variety of different social positions. For simplicity's sake these distinct positions can be designated as regulation from above, from 'the middle' and from below. Moral regulation from above can be illustrated by state-sponsored anti-drug projects relying heavily on official agencies and criminal law. Regulation from 'the middle' is exemplified by the current anti-abortion campaign emanating, for example, from non-dominant religious organisations such as the Catholic Church and fundamentalist Protestantism. Such campaigns are often left well alone by central political and economic forces. Moral regulation from below is exemplified by medieval practices of 'rough music' or 'charivari' through which local hostility to wife-beating or to an adulterous wife is expressed by, for example, disturbing a fractious household by banging pots and pans in the middle of the night or mounting the husband backwards on a horse (Ingram 1984a; Thompson 1991). Today action from below is witnessed by the 'posting' of the addresses of presumed 'child molesters'. This simple model of three variants can be made more complex when various combinations of regulatory agents act in concert, as when state action from above is linked with popular action from below: for example, when state action is against the poor when the reduction of welfare benefits articulates and fuels hostility from the respectable working class against 'welfare scroungers'. In general, importance will be attached to identifying the social location of the regulatory agents and the forms of alliance exhibited in projects of moral regulation. The diverse sources of moral regulation support the general contention of the sociology of governance that 'governing' cannot be adequately encompassed within a hierarchical conception focused on the state or on dominant social or economic classes.

Since governing is not always a top-down process by some formally authorised superior, it follows that all sorts of agents are involved in governing. Thus beggars attempt through an array of tactics to govern those from whom they solicit. Further, governing is not necessarily successful or completed action, but always involves attempts that are more or less successful, and more or less failures; thus pupils attempt to govern their teachers, patients to elicit the medication they desire from doctors, and they do so with varying degrees of success and failure. The

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controversial aspect of this conception of governing is that it disrupts the conventional notion of power as something differentially possessed by different kinds of social agents and that those that 'have' power govern those that do not. From such a perspective it is scandalous to speak of beggars or children as 'governing'. The merit of this approach is that it focuses attention on the relational aspect of governing. The relative positions and resources of participants influence the likelihood of success or failure of the various projects in play, even though that calculus is more complex than analysis couched in terms of more or less power.

Governing rarely involves exclusively instrumental or external action directed at the governance of the conduct of others. Even such apparently instrumental mechanisms as highway speed limits intended to influence the speed of motor vehicles also involve a more general concern to sensitise drivers to safety considerations. Thus while speed regulations specify rules under which motorists can be stopped by police, ticketed or prosecuted, the rules also act upon the self-governance of motorists by inducing them to take account of changing road conditions such as bends or junctions ahead. Many forms of governing involve some mix of 'governing others' and 'governing the self'. This study focuses attention on one important and pervasive form of this mix of 'governing others' and 'governing the self' that takes the form of 'moral regulation'.

All practices of governing involve some element of moral regulation. The fact that moral regulation varies in intensity has played a significant part in stimulating the present inquiry. On the verge of the millennium we are experiencing an intensification of projects of moral regulation. The contested issues of our times range across economic, social and cultural fields that are struggled over in distinctively moralising terms. For example, in the economic realm the ethically neutral 'unemployed', who were the subject matter of economic and social policy for most of the twentieth century, have been reconstructed as 'welfare scroungers' in a way that is reminiscent of the 'paupers' and 'undeserving poor' who inhabited earlier periods of the politics of poverty. New categories of the socially dangerous (youth gangs, drug dealers, sex offenders and persistent offenders) inhabit a space that in the nineteenth century was occupied by the 'dangerous classes'. And in the cultural field angry moralisation in the discourses of sexuality reveal both continuity and change with the discourses of the nineteenth century; today paedophiles and rapists stand in the places occupied by the seducers and white-slavers in the nineteenth century.

Moral regulation involves the deployment of distinctively moral discourses which construct a moralised subject and an object or target which is acted upon by means of moralising practices. Moral discourses

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seek to act on conduct that is deemed to be intrinsically bad or wrong.³ For example, when parents are advised by experts on child-rearing, this is never simply a technical question, but always, to a greater or lesser extent, includes a moral component that invests parents with responsibility for the conduct, present and future, of their children. It is helpful to isolate the following elements of moral regulation and this can be made more concrete by reference to child-rearing:

- a moralised subject (the parents);
- a moralised object or target (the child);⁴
- knowledge (informal or expert);
- a discourse within which the knowledge is given a normative content (parents should monitor the television watching of their children);
- a set of practices (potty training, school attendance);
- a 'harm' to be avoided or overcome (poorly socialised children, undisciplined workers, etc.).

The implication of this conceptualisation of moral regulation is that 'the moral' dimension is not an intrinsic characteristic of the regulatory target, since there is no set of issues that are necessarily moral issues; rather the moral dimension is the result of the linkage posited between subject, object, knowledge, discourse, practices and their projected social consequences.

The 'moral' element in moral regulation involves any normative judgement that some conduct is intrinsically bad, wrong or immoral. It is an important supplement that moralising discourses frequently invoke some utilitarian consideration linking the immoral practice to some form of harm. Such utilitarian elements become increasingly significant as moral discourses become detached from some taken-for-granted religious framework. Thus, while in Christian and other moral codes adultery is inherently sinful, with the rise of secular currents and religious heterogeneity, moralising discourses increasingly linked immorality to utilitarian claims about the personal or social harm associated with the wrong.⁵ However, the association between wrong and 'harm' is significant. Harm has two distinguishable dimensions: it invokes both some specific harm resulting from the wrong conduct and some enhanced or symbolic harm. Take, for example, the late nineteenth-century purity discourses about prostitution; here the specific harm identified was that men resorting to prostitutes infected 'innocent' wives and children with venereal diseases and the symbolic harm was that prostitution exemplified the 'double standard' of sexual morality.

By focusing attention on moral regulation, I seek to avoid atrophying the concept as if it were some fixed or self-sufficient entity. We conventionally make distinctions, such as those between social, economic and moral realms; such categories are useful, even necessary, so long as we

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do not fall into the trap of imagining that these terms create real separations as if there is some field, realm or space that is exclusively social, moral or economic. It is important to stress that there is no 'moral field', no place where 'the moral' rules alone or even predominates. Morality is to be found everywhere: in the workplace, at home, in every activity. Our conceptual distinctions are elaborated for analytical purposes only; in the real world they are always found in complex connection with other elements.

Moral regulation is a process in which moral discourses, techniques and practices make up the primary field of contestation. As I have indicated, moral discourses frequently link moralised subjects and objects with some moralised practices in such a way as to impute some wider social harm that will be occasioned unless subjects, objects and practices are appropriately regulated. Moral regulation comprises 'moralisation' rather than 'morality,' and thus is relational, asserting some generalised sense of the wrongness of some conduct, habit or disposition. One important aspect of moralisation involves what Foucault has called 'dividing practices' (1982: 210). A classic instance is the construction of the division between the 'deserving' and the 'undeserving' poor. Such a distinction has two immediate consequences; first it moralises the categories, delineates between good and bad; second, it operates as a legitimation for the differential treatment of the divided categories – for example, the deserving poor are granted relief that is denied to the undeserving poor.

Dividing practices impact upon those who are caught up by them. They thus become components of the ways in which those who are the targets of moral regulation become 'subjects'. It is one of the ways in which people are constructed, both through the actions of others and their action upon themselves, as subjects. They may attempt to refuse the subjectification imposed on them and thus create the possibility of resistance and the formation of an alternate subjectivity. On the other hand they may accept membership within the constructed category; the deserving poor may accept that status, claim relief, and support the denial of relief to the 'undeserving'. Such processes not only include potential contestation and struggle, but will always involve some form of self-understanding or reflexivity; this reflexivity may be mediated through the participation of others, such as external 'experts' who construct, reinforce or interpret the dividing practice.⁶ Another way of describing the role of external agents is provided by what Bauman calls "asymmetric surveillance", which draws attention to the separation of watchers and watched and the objectivising practices of counting, measuring and classifying behind which techniques moralisation, explicit or implicit, is ever present (1992a: 6).

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This general perspective provides a conceptual framework within which to embark on the exploration of the selected moral regulation movements. Singling out specific movements from the many diverse projects and campaigns could tend to create an impression of discrete movements which are then only brought into connection by means of external comparison. This would be misleading. It would omit the strong sense of enduring linkages between moral regulation movements. Others have drawn attention to the close links that existed between the activists in contemporaneous movements. Harrison (1974) charts the cross-cutting participation in Victorian movements in England concerned with Sunday observance, sexual purity, women's suffrage, animal cruelty and temperance, and anti-vaccination movements.

My contention is a stronger one. It is that moral regulation movements form an interconnected web of discourses, symbols and practices exhibiting persistent continuities that stretch across time and place. The deep anxieties that are roused and stirred in moral politics involve the condensation of a number of different discourses, different fears, within a single image – perhaps the classic instance being the role played by the persistent thematic of ‘abolition’ that provides a linkage, at work on both sides of the Atlantic, that linked moral reform movements of both the nineteenth and twentieth centuries to the symbols of the anti-slavery movement. In a similar vein, Ian Hacking demonstrates the linkages that exist between the current ‘child abuse’ movements beyond the immediate consciousness of participants, not only to anti-slavery, but to child labour, temperance, anti-vivisection and cruelty to animals, and above all women's rights (1995: 56). In brief, I will seek to show that such movements are not to be understood in isolation but as part of a shifting complex of projects of governance in which the long-run changes are not so much the shift from one target to another, but rather in the location of moral regulation within the field of governing others and governing selves.

Another dimension of moral reform movements is that they frequently succeed in establishing an ‘umbrella effect’ whereby they secure support from an array of otherwise diverse political and ideological trends.⁷ This idea helps make sense of one of the troubling features of moral reform movements. Some campaigns had a major and lasting impact, while others did little more than elicit a superior smile from a knowing world about the strange obsessions of others. E. S. Turner (1950) gives a delightful account of opposition to nineteenth-century law reform by those predicting disaster and the end of civilisation as we know it when confronted with such initiatives as the outlawry of man traps, the introduction of Saturday half-day working and the rescinding of the prohibition on marriage to a deceased wife's sister. Would we have

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been successful in predicting that the campaign against the *Contagious Diseases Acts* in Britain from the 1870s would forge an alliance that resulted in major changes in criminal law? Would we have been any more likely to spot the significance of the fervour with which women in Washington Court House and Hillsboro', Ohio, in December 1873 sparked a crusade against saloons? There are other movements whose issues are just as significant and persistent but which have never succeeded in becoming mass movements. It is hazardous to name such movements because they are likely to flare immediately into active life. One would have been forgiven for thinking that the movement against cruelty to animals was a long-running concern of an enthusiastic minority rarely able to capture any political initiative. However, the dramatic movements in Britain in the mid-1990s against the conditions under which livestock is exported provide a telling instance of the umbrella thesis. It was only when the issue of cruelty was articulated alongside an anxiety-ridden nationalism and an outbreak of xenophobia against Continental Europe that for the first time in nearly 200 years an anti-cruelty campaign achieved national significance; in so doing it reignited the campaign against fox-hunting which had long simmered as much as a class issue as one about cruelty to animals.

The capacity to bring disparate trends together into an umbrella is a condition of the success of moral reform movements. This occurs where some specific social problem serves to mobilise an array or umbrella of different social forces that otherwise would not only have had no contact, but might have lined up as part of opposed social blocs. This mode of analysis suggests its value in addressing such contemporary issues as sexual victimisation, substance abuse and the like by focusing attention on the way these issues bring together an umbrella of otherwise rather different activists and how such alliances are constituted through the discursive construction of the field. To use the more traditional terms promoted by C. Wright Mills, the challenge is to attend to the construction of 'public problems' by social currents emanating from different ideological and political positions.

Moral regulation movements are often thought of as if they were some archaic throwback and almost inevitably conservative in content. It is important rigorously to exclude any such assumption. Yet it should be recognised that it is all too easy to err in this direction; intuitively I find myself out of sympathy with many of the movements I have studied. Yet rather than the conventional view which sees moral regulation movements as anti-modern, I will explore the suggestion that the persistence of moral regulation movements is a manifestation of an ongoing anxiety that has beset modernity about the governability of urbanised masses living without any evident structure of rule under conditions