

On the Difficult Virtue of Minding One's Own Business: Towards the Political Rehabilitation of Ebenezer Scrooge

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"It's not my business," Scrooge returned. "It's enough for a man to understand his own business, and not to interfere with other people's."

"Business!" cried the Ghost, wringing its hands again. "Mankind was my business."¹

I.

At Christmas I usually read the *Christmas Carol* to my daughter, and like all good parents I tut-tut when Scrooge raves on about minding his own business, and nod approvingly when Marley's Ghost reminds us that mankind is our business. Especially at Christmas, it seems appropriate to heed Dickens' warning that liberal-capitalism's ethos of self-interest is incomplete, and a purely self-interested man like Scrooge is less than fully human. This, of course, is a familiar message; indeed we hear it all the time, not only from critics, but from friends of liberal society. I recently attended a symposium sympathetic to liberal principles in which a constant theme was the danger of self-interest to the morality of a free society. It was once again Scrooge vs. Marley's Ghost, albeit in more philosophical wrappings.

Our normal supposition is that Scrooge's position is easy to maintain, and that Marley's (somewhat belated) appreciation that mankind is our business manifests a real and difficult achievement (induced by seven years of wandering the earth in chains), and so a real virtue. As it is not the yule tide, I wish to suggest a reevaluation of their two positions: what usually comes easy is making other people's business your business, and what constitutes a difficult achievement, and a real virtue in a free society, is understanding your own business and refraining from interfering with other people's. Nowhere is this clearer than with regard to pornography and sexual activities between consenting adults. If anything is clearly not your business, it is how other adults choose to have sex, or what photographs they take or stare at or model for, or what they draw and show to others. Yet, as the small — and certainly quickly passing — flurry surrounding the movie *The People vs. Larry Flint* demonstrates, many people consider these matters their business, and provide elaborate justifications of why it should be theirs, and

our, business. I do not wish to belittle this urge. Indeed, I think in many ways it is characteristically human to take an interest in others in these ways. It is just because of this that minding one's own business is a real virtue in a free and pluralistic society.

II.

The main criticisms of liberal society that have emerged over the last hundred years have all objected to its "live and let live" morality. James Fitzjames Stephen criticised John Stuart Mill's *On Liberty*, insisting that the principle "let every man please himself without hurting his neighbour" was "subversive of all that people commonly regard as morality."² To the conservative, a society's morality is, first and foremost, about ensuring the virtue of its citizens, and so what others do with their lives is the business of everyone; thus the traditional conservative insistence that pornography, prostitution or homosexuality is indicative of an unsavory character. "There is," Lord Devlin pronounced, "a general abhorrence of homosexuality. We should ask ourselves in the first instance whether, looking at it calmly and dispassionately, we regard it as a vice so abominable that its mere presence is an offence. If that is the feeling of society," he concluded, "I do not see how society can be denied the right to eradicate it."³

The conservative response to sexuality and pornography is not to be lightly dismissed. We deeply want to live with "right-minded" people who do not partake in sordid pleasures such as reading smut or leering at pictures of a gang rape, as in Flint's *Hustler*. The idea of not only sharing society with such perversity, but in some way admitting that, from a public point of view, it is as legitimate as being a good Catholic, seems shocking and absurd. However, we have to press the conservative on just what he means by "sharing a society." The achievement of western liberal society is

the emergence of a peaceful order of cooperation with those who are strangers, aliens, Godless and, yes, perverse. Such a “Great Society”⁴ presupposes a fragile — and in the history of human society, a rare — virtue of cooperating with people whom we dislike. The communities for which conservatives hanker presuppose a shared way of living among those who are decent — who do not mock other’s cherished beliefs and are not themselves repugnant. These are the sorts of groupings in which humans have spent most of their history, and no doubt they seem natural — as natural as gossiping about the odd doings of our new neighbours. Such societies are suspicious rather than open to strangers: in them the label “stranger” suggests, at best, “outsider” and most probably “enemy.”

III.

This indicates the sharp contrast between the Great Society and the Multicultural Society. The Multiculturalist accepts that we live in a diverse society, but she insists that we should learn to *appreciate* other cultures and our differences. And we should appreciate them, it is said, because each has value. Indeed, some go so far as to insist that each culture has equal value. Charles Taylor is somewhat more careful.⁵ The proper attitude, he says, when approaching another culture is only a *presumption* that it has equal value. Perhaps after study we will conclude that it does not; but we ought to approach all cultures assuming that they have equal value to our own. Taylor is especially critical of those who are insensitive to the value of other cultures. Multiculturalism thus seems the most open attitude to difference, endeavoring to understand it and appreciate its values. It might thus seem that multiculturalism is as far conservatism as one can imagine. Surprisingly enough, in an important way the two are very close. For multiculturalism also accepts that we need to live among those of whom we approve and whose lives we value. But this necessarily limits the plurality of society: while we can appreciate the differences of both Asian and European literature, it seems quite impossible to insist that we all appreciate and value Larry Flint’s particular blend of prose, photography and art. So that must be beyond the pale.

It is not hard to live with difference when you see that difference as a source of value. A good multiculturalist Lutheran can appreciate Mother Theresa, Gandhi, Spinoza and Marx; it really is asking a bit much for him to appreciate *Hustler*. The virtue demanded by a liberal society is to “live and let live” even when, as far as we can see, we are letting people

live in ways that are totally without “redeeming social value.” But what could seem odder or more unnatural *that*?

IV.

We can only live with strangers and perverts if we refrain from making their lives our business. This restraint has a considerable cost, of which contemporary “communitarians” are well aware. Some advocates of the Great Society seem to suggest that one can do anything one wants to in such a society as long as, following Mill, one does not harm another. Not so. Projects and plans that require the participation of like-minded others can only get off the ground if like-minded others voluntarily choose to participate, and this means that they often crash on take-off. To pursue a religious way of life requires that one live in a Godly community, where religion is respected and wickedness is chastised. It is not quite the same thing to belong to a congregation, whose meeting house is next to the Satanist coven and around the corner from a pornographic movie house. Instead of a Godly community all one seems to have is a religious club.

A free society is only possible when people do not formulate projects that coopt others without their agreement. And this mean that the range of projects one can pursue in a liberal society is limited; it is less limited than any other society, but limited nonetheless. Liberal society can only exist if, rather than making the doings of mankind or my neighbour my business, I acknowledge that no one is bound to enter my way of living unless I can appeal to his interests, however broadly defined. Thus in a liberal society people will see their ways of life changing; country towns will lose their young people, and yuppies will move in with BMWs, mobile phones and *Hustler* (or perhaps *Playboy* — for the interviews). The urge will always be strong to “defend our way of living” by making it impossible for others to pursue their ways, or making them support ours. “A community,” we want to say, “has a right to defend its way of living” — but all such defences suppose that we have a claim on others to join in our way of life, or else they must leave.

V.

Up to now I have been considering the communitarian impulse — that to live together is necessarily to make other people’s lives our business. And I have suggested that, for all its popularity today, it is essentially a pre-liberal, atavistic craving. The other challenge to Scrooge perceives itself as more post-liberal. Having accepted the apparent philosophical ascendancy of Mill’s harm

principle, many critics seek to show that, after all, it sanctions making other people's lives our business. Mill tells us that what one does is society's business if that action concerns others, in particular if it produces harm to others.⁶ Now if a viewer ("reader" seems the wrong word) of *Hustler* is more apt to rape or commit other violence against a woman because he has seen it, it seems that even Mill would agree that its publication or dissemination should be restricted. When another reads or views something that leads him to harm me, it seems that his reading and viewing habits become my business. "The question in every case is whether the words are used in such circumstance and are of such a nature as to create a clear and present danger that they will bring about substantial evils...."⁷

As we all know, most feminists insist that viewing pornography does cause harm to women by increasing the probability that men will act violently towards women. Liberals are apt to dispute this supposed causal link, or else insist that somehow the harm done by suppression is greater than the harm engendered by toleration. Understood thus, the issue turns on highly contentious social scientific claims.⁸ But this, I wish to suggest, is the wrong understanding. Underlying this way of framing the issue is a simple causal account of human action, according to which a person's action is the direct causal consequence of his thoughts and character. If what you do directly flows from your fantasies, wishes and character, then since what you do to me is my business, any of these things are potentially my business too. A person's dangerous thoughts and lack character are everyone's business, because these make him a danger to others. For our own protection we must police the virtue of others — and that means what they think and how they live.

A free society that tolerates ways of living considered repulsive, foolish or perverse by some (and feminists would do well to remember that many fundamentalist Christians consider feminism repulsive and dangerous) cannot presuppose this virtue/character account of human action. The Great Society only becomes possible when individuals are understood to be morally autonomous in the sense that they can put aside their fantasies, perversities or foolish notions and respect the legal personality of others, and are properly held morally accountable if they fail to do so. If my neighbour is morally autonomous, her dangerous and repulsive thoughts, library and VCR collection is not my business, for I can nevertheless expect her to act publicly in accordance with my civil personality. If this is so, then even if some types of people are statistically more likely to commit crimes (say, young males) or are more likely to commit crimes after certain experiences

(say, viewing *Hustler*), we do not seek to eliminate the correlates of crime. For a person is not viewed as a simple causal force of his viewing habits or hormones, but as a responsible agent who is not at the mercy of causal forces pushing him this way and that. Only if a person's actions are so manifestly an artefact of drugs or delusions do we strip him of the identity of "agent," and treat his actions simply as vector of causal forces.

To many this may seem outrageous: if we did know there was a correlation between viewing pornography and violence surely that would be a reason to make the "reading" of *Hustler* everyone's business. But we know that violence is correlated with age and sex, and we know that crime rates differ among different racial and religious groups in different countries, as we know that urbanities are more likely to be murderers than country folks. And it is plausible that those who read Nietzsche and Dostoevsky are especially likely to have anti-social thoughts put into their heads. But a free society does not identify dangerous people based on class characteristics, nor does it label some ideas as inherently dangerous and so subject to regulation. And so it does not make the personal lives of some citizens its business on the grounds that they have dangerous thoughts, and this because it supposes citizens to possess at least minimal moral autonomy. Only among morally autonomous agents can I suppose that others' private lives are not my business.

VI.

Contemporary feminists such as Catherine MacKinnon are apt to make a somewhat different claim: pornography attacks the civil rights of women by inducing a perception that women are inferior and are simply to be used by men for men's pleasure.⁹ Thus, if Larry Flint and a woman agree on a price for her to pose in a utterly demeaning and pornographic picture, and if a man agrees to buy a copy of this picture from Flint, it is not simply the business of the three of them. It is the business of all women because a concept of women-as-thing-to-be-dominated-and-used is being propagated, and under this concept women cannot be recognized as full juridical persons with equal rights.

Two issues must be distinguished. The first is whether the conceptions that other people have of me is my business. In the Great Society in which we live among and with people whom we do not like and of whom we often think badly, we cannot claim a right to be conceived of only in ways we approve. Again we confront the sharp contrast between a liberal and a Multicultural Society. The Multicultural Society presupposes that we can all appreciate each other, and so

entertain conceptions of each other that are not only respectful, but can be embraced, or at least not detested, by our fellows. But the Multicultural Society has no place for both Christians and Satanists, reactionaries and communists, or racists and liberals. In the much more encompassing Great Society, we confront competing conceptions of what we are about, who we are and the groups with which we identify and with which others identify us. Many of these we will challenge, and some we will detest. But an open cooperative and peaceful social life amongst strangers and aliens is only possible if there are no prerequisites about how we must think of each other. What others think of the groups with which I identify is not my business, though I no doubt will often find it both fascinating and outrageous.

But feminists make a second claim: the viewing and selling of pornography is the business of all women because the conception of women propagated by pornography undermines the public status of women and so their civil rights. If feminists are right about this the Great Society is impossible; at bottom their claim is that one cannot be a full juridical person in a society in which many others hold negative or dismissive conceptions of you. If this is so, a society in which citizens are public equals is only possible if we all appreciate each other and hold non-dismissive conceptions of each other. But this multiculturalist ideal is only plausible if we restrict the range of acceptable ideas, giving a less than equal freedom to undesirables — those who demean their fellow citizens. This list of demeaners is extensive, including racists, women-haters, men-haters, many fundamentalist Christians, militant atheists, Nietzscheans militant vegetarians (“disgusting flesh eater!”), animal rights activists (“disgusting fur wearer!”), anti-abortionists (“murderers!”), right-to-lifers (“religious nuts!”), anti-gun lobbyists (“gun freaks!”), right-wing survivalists, anti-papists, anti-Semites, anti-gays, communists, deep ecologists who believe the human race is a blight on the face of the earth and developers are Satan’s children, Labor Party members who insist the Liberal Party is a CIA puppet aiming at exploiting the workers, Liberal Party members who insist that the Labor Party is an organ of world communism aiming at world domination, the unemployed who blame their problems on “unwashed immigrants who work for nothing,” Australians who believe that those who are not patriotic are inferior to true blue Aussies, those who insist that philosophers are social parasitic eggheads, those who think sociologists are, and on and on. In one way or another each of these groups present images of others that those others find offensive and demeaning, and which seek to lower the

public status of the target group. To be sure, some of these attacks are of marginal importance from a “social perspective,” but they are no means marginal to those who have to live with these dismissive conceptions. And if the group “viewers of pornography” is large and influential enough to undermine the social status of women, then a good number of these other groups are also sufficiently large and weighty to undermine the public status of their favourite target. But the existence of a free society among strangers depends on the possibility that, despite these challenges to our preferred self-conceptions, an equal civil status is possible. And that, once again, brings us back to the possibility of at least minimal moral autonomy. If such autonomy is impossible, or if we live in a society where most have not achieved it, then what my neighbour thinks of me will be my business, and the regulation of her thoughts and conceptions of me will be a legitimate concern of mine.

VII.

The virtue of minding one’s own business is a terribly difficult one. To achieve it requires the discipline of acknowledging that one will live on publicly equal terms with strangers one does not like (indeed may well loath) and that one will refuse to coopt them into one’s projects; it requires a society with widespread minimal moral autonomy, in which we can have reasonable confidence that others can think dangerous thoughts and yet not turn to criminality, and that others can be dismissive of me, and yet still respect my civil personality. Conservatives, communitarians, multiculturalists and feminists are among those who either reject this discipline, or insist that the requisite degree of moral autonomy cannot be achieved. Hence for them, mankind is my business, including those who leer at *Hustler’s* often disgusting pictures. Given the difficulties of minding one’s own business, the real question is why it took Marley seven long years of wandering among the dead to make mankind his business.

Notes

1. Charles Dickens, *A Christmas Carol*, Andrew Lang, ed. (London: Chapman and Hall, Ltd. 1897), pp. 16, 26.
2. See James Fitzjames Stephen, *Liberty, Equality, Fraternity* (London, 1873), pp. 8-15.
3. Patrick Devlin, *The Enforcement of Morals* (Oxford: Oxford University Press, 1968), p. 17.
4. See F.A. Hayek, *Rules and Order* (Chicago: University of Chicago Press, 1973), ch. 2.
5. See Charles Taylor, "The Politics of Recognition," in Amy Gutmann, ed., *Multiculturalism* (Princeton: Princeton University Press, 1994).
6. John Stuart Mill, *On Liberty* in *On Liberty And Other Essays*, John Gray ed. (New York: Oxford university Press, 1991), p. 14.
7. *Schenck v. United States*, 249 U.S. 47; 39 S. Ct. 247; 63 L. Ed. 470 (1919).
8. See e.g., the Canadian Supreme Court Case of *Donald Victor Barr v. Her Majesty the Queen*.
9. See her "Francis Biddel's Sister: Pornography, Civil Rights and Speech" in her *Feminism Unmodified* (Cambridge, MA; Harvard University Press, 1987).