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**Adverse Psychological Effects of Punitive and  
Legalistic Approaches to Moral Decision-Making  
and Institutional Compliance**

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**Abstract**

Punishment- and law-governed approaches used to promote moral decision making and compliance with religious, ethical, and institutional standards can generate unintended results. These devices can be counterproductive and even toxic if applied injudiciously; formulated with inadequate regard for principles of grace, mercy, and humility; or enforced without empathy for human frailty, emotion, and our vast shared potential for error. Institutions, including religious institutions such as the church, run the risk of alienating or even

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wounding those they hope to attract and of binding leaders and adherents into dysfunction bonds and roles that can derail the very essence of their mission (to feed, to heal, to seek, to teach, to save, and to love). In the pursuit of spiritual goods, such as the reduction of sinful behavior, the instruction of doctrine, and the development of a healthy moral compass, it helps to remain mindful of the psychological effects of punishment and law-oriented or legalistic approaches, their limitations, and their demonstrated potential for harm.

### **Introduction**

Punishment and the imposition of laws and rules are powerful tools when properly applied and presented in conjunction with support, teaching, the anticipation of error and imperfection, and a modeling of virtues such as: empathy, kindness, acceptance, forgiveness, patience, compassion, and even occasional humor. However, when applied in a condemning and unyielding manner, they convert from growth promoting instruments into weapons of coercion and divisiveness. Institutions such as the church invite us in with warm hopes for salvation, transformation, and community. This potential to satisfy heartfelt needs gives the institution the capability to influence and nurture but sadly this same potential also unleashes the power to control, censor, to demand perfection, and to create demobilizing shame.

The acquisition and practice of moral and spiritual disciplines require knowledge of the law, doctrine, and mores; a will to do well; motivation; an ability to discern and to decide right versus wrong; an appreciation of consequences (both rewards and punishments); self-control; opportunities to practice and apply such knowledge; the courage to try; and permission from self and others to fail but then try again<sup>2</sup>. Punitive and legalistic institutions that focus narrowly on compliance and conformity and less on grace and growth, may construct a leader and group of followers who look quite good but who just might fail those who seek but struggle.

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<sup>2</sup> Albert Bandura, *Social Foundations of Thought and Action: A Social Cognitive Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1986) and *Social Learning Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1977).

A grace-oriented institution promotes lawful behavior but also provides the resources to build a spiritual and moral character or compass that has the capacity to be vigilant yet not overly anxious, to discern while not being rigid or reproachful and to give reliable guidance through the inevitable challenges of life. Wrongdoing or sin usually unfolds within a context and in stages. These stages include: conceptualization/impulse/contemplation, experimentation, action—repetitive action, cloaking or scaffolding behaviors and cognitions (example: deceit, accountability avoidance, excuse making), and resulting in entrenched, habitual or addicted patterns.

A punitive legalistic institution may create circumstances that inhibit the open acknowledgement of vulnerabilities; while an institution that is oriented toward grace, transparency, and reconciliation positions itself to offer safe port for disclosure and healing at any of these stages. This is of particular benefit because early stage intervention is usually the most favorable interval for change and for prevention of some of the more pernicious effects of wrongful behavior. It is a relief to be in community with people who share similar spiritual values but who are also generous enough to admit to similar trials and temptations and offer compassion rather than judgment.

### **I. Problems with Punishment**

If salient, intense, or meaningful and delivered in a timely manner, a punishment (or a consequence designed to prevent, inhibit or to stop a behavior) has the potential power to alter or modify behavior.<sup>3</sup> However, punishment and, in particular physical punishment with children, has few enduring positive effects (such as the internalization of rules and the ability to properly abide by those rules) and has the potential to create aggression, blame projected onto others, an unhealthy relationship the punishing institution or individual, and diminished empathy.<sup>4</sup> The guilt of wrongdoing or rule and law violations can create demobilizing and demoralizing self-

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<sup>3</sup> Raymond G. Miltenberger, *Behavior Modification: Principles and Procedures* (Belmont, CA: Thompson/Wadsworth, 2008).

<sup>4</sup> Elizabeth T. Gershoff and Susan H. Bitensky, “The Case Against Corporal Punishment of Children,” *Psychology, Public Policy, and Law*, 13 no. 4 (2007): 231-272.

blame and self-inflicted punishment. This creates a vicious cycle fueled by an apathy that whispers, “I am no good and therefore my thoughts and actions cannot be good.” This cycle of self-punishment disrupts the efficacy of rules and their consequences through overwhelming anxiety, the development of a veneer of compliance (with deficient or spiritual or personal growth), or a disproportionate focus on the punishing agent rather than the purpose of the rules or laws.<sup>5</sup>

Causes for wrongdoing vary widely. Sin is not the only human cause for wrongful actions. Other causes include: lack of or insufficient knowledge or awareness, misjudgment or pure error, diminished capacity (fatigue, hunger, stress, intoxication, illness, or distraction), arrogance, and the after effects of earlier decisions (for example, lies to cover up a bad decision), social or cultural norms, or rebellion against authority figures.

For interventions such as punishment to be effective, decisions and behavior must be understood within the social and individual context in which they occur. For example, even when expectancies have been clearly communicated and limits made salient, people can engage in what Albert Bandura<sup>6</sup> has coined as Self-Exonerating Mechanisms. These cognitive processes are used to reduce personal culpability and to avoid adverse consequences such as punishment and guilt. Examples of these mechanisms include blaming or comparing self to others, attributing cause to authority figures, or minimizing consequences. Such cognitive maneuvers can allow wrongdoing to go undetected, normalize or sanction actions, impede corrective learning, and disarm strategies designed to prevent or to provide consequences for poor moral decision-making.

## **II. Problems with Strict and Exacting Adherence to the Law (Legalism)**

The law has the beauty to lend clarity and direction. It is a fundamental element of peaceful coexistence and productive

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<sup>5</sup> Rob Neilissen and Marcel Zeelenberg, “When Guilt Evokes Self-punishment: Evidence for the Dobby Effect,” *Emotion*, 9 no.1 (2009): 118-122.

<sup>6</sup> Albert Bandura, *Social Foundations of Thought and Action: A Social Cognitive Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1986) and *Social Learning Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1977).

cooperation. However, it harbors a beckoning shadow. Observance of the law is rewarding; it can prevent punishment, support safety, promote a positive image of self, and set a fine example for others to admire and to emulate. Herein rests the shadow. Rewards and their pursuit can become self-perpetuating. Such that, the law and its inherent rewards can become end goals rendering as secondary the good (such as spiritual growth and love of neighbor) that the law is designed to promote. In addition, for all of its excellent and essential functions, the law can be irrationally exacting and blind. If it is interpreted in its most extreme or literal terms or used as a litmus test for relative worth, it can become a cruel taskmaster requiring a level of perfection that few humans using mere reason and will could ever hope to achieve or maintain. This creates a competition of legalistic rightfulness over spiritual righteousness. The pressure to be perfect under the law may manifest itself as: diligence merely for its own sake, exhaustive arguments about the intent and reach of the law, or sheer apathy.

### **III. Considerations for Effective and Grace-oriented Use of Punishment and the Law**

Practice and policy must be grounded in institutional mission; mission guides purpose, method, and goals. Therefore any practices, to include punishment and the imposition of law, must be compatible the institutional mission. The grace-oriented institution has as a central aspect of its core mission, the creation of circumstances to foster discipleship. This implies that adherents will come voluntarily and will remain and flourish not because of brute force, contractual obligation, or the steely bars of duty, guilt or fear but because of love and an intrinsic gratitude that are products of realized grace (John 14:23). If punishment and the law move beyond guidance and instruction into retribution, stratification, and condemnation and if these become codified as a central article of the mission, the institution, its leaders, and adherents may become entrapped in a caste-like system that gives recognition and authority to those who appear most law abiding and to those with the power to assign limits and rewards. Grace-oriented institution, however, will have as key components of its mission: Status for the weak, downtrodden, and humble (Matthew 5:3-12 and Mark 12:43-44); Compassion, care,

mercy, and empathy (Mark 1:41); Liberty (Luke 4:18); Transparency (Mark 9:24); Comfort (John 14:18); and Transformation (Mark 1:17).

The aim of the grace-oriented institution must be to guide its adherents toward a higher standard and yet not to inflict a shame or fear that spawns inferiority, avoidance, concealment, and separation. How then is the grace-oriented institution to employ punishment and law; or are these interventions to be altogether avoided? Certainly, they cannot be avoided. As was earlier indicated, limits and expectancies fulfill useful and needed functions such as compliance and the grace-oriented institution and its constituency are subject to commandments (Matthew 5:17-18 and Matthew 22:37-40) and civil law (Luke 20:25). The spirit of limit setting must be grounded a careful examination of self (Matthew 7:1-5).

This self-examination, if scrupulously done, should create the humbling realization of personal imperfection and contrition so that when corrections are communicated to others, they may be voiced with a context of acceptance and understanding rather than condemnation, superiority or ridicule. Also, when interacting with others (even those who are unrepentant) grace based doctrine suggests that intervention must reflect and acknowledge the compassion and mercy personally received: “Shouldst not thou also have had compassion on thy fellow servant, even as I have pity on thee?” (Matthew 18:33).

Matthew 18:15-17 and 21-22 outline a grace-oriented stepwise approach to communicate expectancies and to address wrongdoing. An initial step (after self-evaluation) is to speak directly and privately with the person suspected of doing wrong. Privacy preserves a sense of dignity and allows a safe space for explanation and discussion. Education, dialogue, and counsel are primary aspects of creating discipleship and brotherhood. Expectations, rules, or laws that govern followers and, importantly, the reason for prohibitions or requirements must be taught and reinforced. There is logic to rule governed behavior and if explored can promote compliance and reduce risks for unintentional trespass, adverse consequences, apathy, or direct and open defiance. In the absence of prior and continuous education and without the benefit of information about immediate and delayed, tangible and intangible, spiritual and social consequences of regretful moral decision, choices can be made blindly. If the person

refuses correction, then one or two other people should be enlisted for witness and social influence. Only if or after these steps have failed should the entire institution (or church) become involved. Then, if this has no impact, the person may be considered as one who has elected to place him or herself beyond the influence of the group and its limits and laws. Yet, for one who adheres to the doctrine of grace, forgiveness and reconciliation must remain available, not seven times but “seventy times seven.”

### Conclusion

Grace often requires more than the law (Matthew 5: 39-45); it tends to broaden our scope beyond mundane human sensibilities (Mark 7:8); and is seemingly paradoxical (John 9:39). Therefore, ordinary remedies such as punishment or legalism may not achieve grace-based goals. For example, if we are wronged, it is natural to seek compensation or retribution. However, grace produces the fruits of forgiveness and offers of assistance to those who love us and to strangers in need (Matthew 25: 35-40) and even to those who have caused harm (love your enemy—Matthew 5:44). Arguably, it is only by grace, not by ordinary measures, that they can be sincerely achieved because while punishment and the law are powerful in their ability to garner attention and to alter behavior, their effective application requires grace, careful reflection, purity of motive, and skill.

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