Conscience and Guilt

Conscience looks forward and backward; it also takes on the challenges offered in the present. It can be a source of joy and exuberance when our behavior enhances moral meaning and when it achieves the rich potentials of personhood. But probably it is in looking back in pain that we experience conscience so vividly; so we will give the backward look of conscience special attention.

The feelings that accompany the awareness of guilt seem to be the most perceptible manifestations of conscience. The term “remorse,” from the Latin mordere, meaning “to bite,” is often used to describe the experience of guilt. (The Middle English phrase “agenbite of inwit,” meaning “conscience biting against one’s self,” might have been a more direct way of expressing it.) As the etymology of the words “remorse” and “agenbite” suggests, the experience is not a happy one. Guilt is the product of a split between what we basically know to be good and what we do or fail to do instead. (For our purposes here, we are using the terms “guilt” and “guilt feelings” interchangeably.) If conscience means moral awareness, guilt is failure to act morally when the moral is perceived. Guilt may be a fundamental, universal human experience; but since the Freudian revolution in psychology, guilt is often treated as a symptom of illness, an understanding that can be misleading. There is unhealthy guilt, of course. Some might feel the agony of remorse when there is really no objective reason. Such guilt is like a red light that flashes on a dashboard when nothing is wrong. That kind of guilt requires therapy. Realistic guilt compares to the light that flashes when something is wrong. We ignore it at our own peril.

The loss of the unity between moral perception and action is the first cause of remorse. A saying of Goethe gives further insight: “All laws and rules of conduct may ultimately be reduced to a single one: to truth.” Untruth is unsettling. The ancients used to say that “the liar pays the price” (nemo gratis mendax). This principle is behind the mechanism of the “lie detector” or polygraph. Truth is ultimately native to us; falsehood is a disturbing alien. Without underestimating the human capacity to naturalize this alien, we can appreciate the inherent congeniality of truth to human consciousness. When untruth
is materialized in our attitudes and behavior, the process of humanization is stunted. What we do is not true to what we are and must become. Recognition of this lack of unity is the disturbing experience of objective guilt — objective because there is real reference to moral reality. Guilt is a response to the contradiction of the foundational moral experience that sees the link and unity between the value of self and the value of others. Thus guilty behavior recoils upon ourselves. The offended value is ours as well as that of other persons.

**Three Notions of Guilt...**

There are at least three major ways in which guilt is understood: (1) in a taboo sense, (2) in an egoistic sense, or (3) in what we will argue is the realistic sense. Because one’s view of guilt will also reflect the presuppositions of one’s ethics, each of these ways reflects a different conception of ethics and conscience.

**Taboo Guilt.** Guilt at the taboo level is a primitive appreciation that sees something as wrong because it is forbidden. Guilt here is the violation of a prohibition that may or may not make sense. Making sense is not of the essence for the taboo mentality, and neither is it essential that the behavior judged wrong be harmful. Taboo behavior is wrong regardless of the good or harm that it might do. This “regardless” is the crux of the matter. The behavior is wrong not because it harms or because of the circumstances, but simply because it is forbidden. The forbiddenness is superimposed upon the situation; it comes from without and not from an assessment of moral circumstances. It might be morally good and reasonable to do that which is forbidden, but that is radically irrelevant to taboo, which is sweeping and undiscriminating in its scope. That which is under taboo is not open to nuance or distinction. Guilt as taboo involves transgression that leaves one liable to the sanctions of “the powers that be,” however these powers may be perceived. The mind under the control of taboo does not do ethics and it does not serve conscience well. It simply shies away from target areas that have been designated by certain beliefs as dangerous.

Taboo in its origins, however, might represent a great deal of discernment. We are accustomed to think of taboo in association with the inexplicable prohibition of primitive peoples. There can be two mistakes in doing that. First, taboo is not limited to illiterate cultures. It does occur in modern dress. And, second, taboo is not entirely inexplicable in its origins. Some particular prohibitions among peoples with whom our acquaintance is imperfect may remain unexplained; others appear to be the product of ignorant superstition and nothing more. But we ought not presume one or the other. The taboos of primitive peoples may be reflective of what society judged necessary for its survival and welfare. Many taboos that forbade certain foods or activities
were literally lifesaving and the fruit of long and dire experience. Other
taboos, such as the almost universal incest taboo, seem to arise from
a recognition of the biologically and socially disruptive force of in-
trafamilial sexual relationships. Although elements of a realistic ethics
might be discerned in the development of taboo, the problem is that
 taboo is undiscriminating. Once it is established, the door is closed to
important distinctions. Taboo does not make distinctions when there
are differences. Thus it becomes a substitute for ethics. When taboo is
operating, we can anticipate that unlikely arguments will be brought
forth in an attempt to justify it.

Modern taboo, a phenomenon to which we should be intellectually
alert, will not always come equipped with elaborate rationalizations.
One should look for it in patterns of conduct that are well ensconced
within our social structures and history. A full analysis of issues such as
sexism, racism, the moral rights of patients, attitudes toward sexuality,
the ideologies of nationalism and classism would uncover a number of
unnatural and gratuitous prohibitions within socially accepted moral
perspectives. Discussions about the evil of “flag burning” are suggestive
of taboo thinking. Modern dress codes also exemplify the power of
taboo. The professions, too, are heavy with taboos, not all of which
make sense.

_Egoistic Guilt_. Beyond the level of taboo, guilt may be understood
in an egoistic way. The motive in egoistic guilt is antiseptic in nature
and involves an excessive concern for one’s own moral purity and in-
tegrity. “Decent people don’t do that” is an example of this kind of
thinking, the implication being that “decency,” however conceived, is
the all-controlling concern. Guilt is here perceived as a personal dis-
figurement. Doing something wrong means damaging yourself in some
fashion. It is not a question of whether something in its context is
harmful, but of whether it is in your best interest. The risk factor of
getting caught with the possibility of suffering negative consequences
becomes more important than the morality of an issue. Egoistic guilt
shows a mindset that is ultimately “me-centered.” In cases of termi-
nal illness, for example, decisions are often made not according to the
rights or wishes of the dying person but according to the guilt feel-
ings others would have by allowing the person to die. Egoistic guilt
interferes with what might be morally right.

This form of guilt proceeds from a self-centered ethics that involves
a desire to avoid real moral responsibility. In effect, it is an effort to stay
within acceptable limits so as not to be blamed or hurt. Egoistic guilt
also shows itself in the attitude of doing what one must do to avoid
going caught. It looks for loopholes and is minimalistic in avoiding
moral accountability. Egoistic guilt is based on a selfishness that lacks
a full framework of moral responsibility.
Realistic Guilt. Finally there is an understanding of guilty behavior that we can call "realistic." Realistic guilt is conscious and free behavior (active or passive) that does real, unnecessary harm to persons and/or their environment. In speaking of conscious and free behavior, we acknowledge the number of unconscious determinisms that are a fact of our psychic lives. We are free only to a point. "Conscious and free" refers to the fact that human behavior that cannot be linked to any conscious control or freedom falls outside the realm of moral accountability.

Behavior can be active or passive, that is, it may take the form of commission or omission. Describing it as passive should not give the impression that it denotes the complete opposite of activity. Omission can be quite voluntary and influential. There was, for example, a case in Germany when a husband and wife had a serious quarrel. In a rage the husband hanged himself in the presence of his wife. The case went to law. On the face of it, it would seem that the wife could not be charged with anything. She had simply witnessed a suicide. However, the court did not stay with this surface rendition of the facts. It noted that the wife could easily have cut her husband down and that, as Helen Silving explains in her article "Euthanasia: A Study in Comparative Criminal Law," she was "satisfied with the course of events — events which had occurred without any action on her part." Silving continues to explain that the wife was convicted of the crime of "failure to render assistance." As a subsequent court consideration put it, according to Silving, "In omitting to act, contrary to duty, she failed to interrupt the chain of causation started by her husband; she thereby participated in causing his death."

The difficulty of delineating how this woman "participated in causing his death" in the course of events "which had occurred without any action on her part" strains the minds of jurists and ethicists. Yet the direction of German law in this regard seems sound. When we do not do anything about that which we can do something, it is distinctly different from situations in which we do not do anything about that which is beyond our influence. The question then becomes whether we should do something when we can do something. The answer to that will reflect a number of things but will always reflect one's basic sense of what persons are and what they deserve.

An omission may of course represent momentary psychological paralysis so that it would scarcely qualify under the category of conscious and free behavior. It may also represent heightened and intense personal decision. The husband who would like to be married to someone else and who omits going for the medicine when his wife manifests signs of a heart attack is not really in the position of "having done nothing." What he had "done" is an act of refusal that is free and highly significant. This refusal might in fact be the most voluntary action of
his life. In most actions we are buoyed by habit, social expectations, or inner determinisms. In this instance the husband might be summoned to an agonizing activation of his freedom of the sort that he may have rarely if ever before experienced. His own deliberate volition will be called for in a unique way. His behavior is passive in the sense that it is not as active as it would be if he were to shoot his wife, but it is active in the sense that it is free, conscious, and effective volition. Deliberate omission is not outside the circle of human moral responsibility.

There are also “good omissions” that illustrate the active, volitional quality of some omissions. A doctor might, out of fear of a lawsuit, order massive resuscatory efforts (a “code”) for a hopelessly ill patient who is dying in terrible agony. When the “code” signal is sounded, some nurses might respond with all deliberate slowness so that the “code” fails and the patient dies. Their omission of the usual speed was based on an assessment that the patient was beyond healing and that the “code” would only extend the dying in a painful and unreasonable way. In such a case, what they did not do was more willful and effective than were the few things they did in their deliberately delayed reaction to the emergency call. Their omissions were most morally significant.

Not all omissions are equally deliberate. Some are distinguished by a high degree of conscious awareness of what could have been done but was not. Sometimes morally significant omissions are clouded by ignorance or by a diminished awareness of what is being left undone. Our omissions regarding problems we know nothing of and could know nothing of are simply amoral. We do not have moral responsibility for that of which we are truly ignorant.

The idea of moral ignorance is more subtle and significant, however. We can have what can be called a “masked conscience” in which ignorance is contrived and self-servingly sustained. But then, because it represents a choice, it is not so much ignorance as avoidance. The morally demanding reality is dimly perceived and then instinctively commended to the shadows of the mind. This point may be illustrated by many affluent Americans who have a kind of masked unawareness of the deep poverty existing in various places in this country. The number of homeless children in this country equals the population of Denver. More than one half of all African American children are born into poverty. Studies repeatedly show all this is related to national policies, and yet little guilt is felt for any of this by the citizens. Our broad unawareness of world hunger illustrates the same problem. The “ignorance” of “good” white people of the indignities visited upon certain minorities is another example. In a crucial way, this kind of affected ignorance falls under the broad understanding of “conscious behavior.” It has its own kind of determined deliberateness, even though it is obviously not that of a first-degree murderer. If the ignorance involved is total there is no
guilt. We are outside the area of conscious behavior. But the ignorance of the examples just cited is more likely a self-serving artefact.

Omissions are morally significant because they “show where the heart is.” They reveal the morally crucial center of sensitivity that shapes attitudes and character. The things we do often support the character image that we wish to project. But the undone deed speaks loudly of how much caring animates one’s moral existence, of how deeply one is into the foundational moral experience, and of how one’s priorities are set. Omission can also show an undergirding apathy and, on the collective level, a nonresponse to the legitimate moral claims that confront a society. In the realistic definition of guilt, then, “behavior” refers to both omission and commission.

Guilty behavior does *real, unnecessary harm.* “Harm” is the critical term here. If we do no real harm (psychological or physical), we incur no guilt. When speaking of taboo, we noted that it often has realistic origins. Taboo represents an aversive reaction to perceived harm and finds expression in an absolutized way that allows for no discriminating judgment. Because it does not allow for distinctions when there are differences, taboo becomes unreal; it bans whole categories of human behavior with no regard for differentiation, even though in certain instances certain activities do no *real, unnecessary harm.* This kind of nondiscriminatory thinking is the central failure of taboo, or of any kind of ethics that abstractly condemns all behavior of a certain type. The point here is not that you cannot theorize about guilty action. To do just that is a prime task of ethics. The problem arises when a theory has no empirical base. Then that which is called wrong might be harmful only to the theory. Hence the need to insist on *real harm* in the definition of guilty behavior.

The objection, of course, can be raised that we put too much weight on the notion of harm. In response, we would say that harm to persons and/or their environment is the nether side of the good, and the whole of ethics is geared to the exploration of this bipolar reality. Ethics is concerned with the systematic discernment of what does or does not befit the complex reality of human behavior. To say that it explores good and evil is to say the same thing. To assess the real, unnecessary harm involved in a particular situation may be exceedingly difficult and admit of only imperfect success, but it is a task from which the valuing animal cannot hide. The alternative would be to surrender meaningful forms of human activity to chance. The difficulties involved in doing ethics and assessing harm amid the boggling intricacies of collective life, such as the political and the commercial, have driven many to treat moral concern and ethics as though it had meaning only amid the home and hearth issues of personal, private lives. This retreat is an intellectual and moral defection that shrinks the meaning of life
and avoids the complexities of real human issues. The most important moral decisions are made at the corporate and political levels of life.

The term "unnecessary" has to qualify harm in the definition of guilty behavior because it is sometimes moral and necessary to cause harm. Killing in self-defense when there are no less drastic alternatives is obviously harmful to the deceased. It may, however, be judged necessary harm. The apportionment of goods and bads in a society may do necessary harm to certain citizens. Police officers who take capital risks to protect people are open to terrible harm. They are not, however, doing evil, as an Ayn Rand might like to think, in risking this harm. The circumstances may show it to be necessary. Similarly, the quota system that gives preferential treatment to groups that have suffered unfair discrimination can be another example of justifiable necessary harm to some. If the system works well and all the talent of the nation is released to the benefit of all, the harm sustained by some in the process may be seen as reasonable and moral. It is not unnecessary harm and it is not evil. Put another way, the greater harm is in sustaining the unreasonable monopoly.

It may be all too obvious to say that wrongful behavior is so because it is harmful to persons. Less obvious is the "and/or their environment" part of the definition. This environment includes plant life, animals, minerals, air, and all the other elements that make up our terrestrial and extraterrestrial context. Our moral universe stretches to everything that human behavior touches, and this now includes the adjacent portions of the physical universe. Like individuals who strike it rich and arrogantly abandon their kith and kin, as we alluded to in chapter 2, *homo sapiens*, having evolved into a conscious and somewhat free animal, treats the earth as though it were a stage that has no intrinsic connection with the drama played upon it. We forget that we grew up out of the material of that stage and that we are still filially related to it. We should show deep respect toward our roots and parent earth.

*The Problem of Collective Guilt...*

Various notions of collective guilt have come to the fore in the past few decades. With the realization that a good deal of corporate and political agency is wrongful, the question of assigning guilt is a problem that is with us. Who is guilty of the cruel extravagances of war? Who, more specifically, was guilty for the massacre at My Lai? The generals, Lieutenant Calley, the Congress who provided the monies to wage the war, or we who provided the Congress? Who is guilty for the wasting of the earth wrought by corporate power? The board of directors, the stockholders, those who buy the products of those corporations? Can guilt be inherited? Do we bear the guilt of our forebears who in
centuries of dishonor drove the Native Americans from their homelands and slaughtered many of them? Is reparation owed to women and African Americans because of the damaging discrimination that has been visited upon them? Is collective guilt a motivating factor behind terrorist activity? How can the innocent of a larger national or ethnic group be perceived as guilty? Is there such a thing as guilt by association? Can some be more guilty than others? Simply put: How well founded is collective guilt?

This notion seems to be as old as the mythologies that deal with an original human fall that adversely affects everybody, but when trying to explicate the precise meaning of collective guilt, we may never be fully satisfied. How can everybody be guilty? Is everyone equally guilty? In one sense, if everyone is guilty, no one is guilty. If so, collective guilt is a vicious notion that would absolve groups of all moral responsibility. Since most good and most harm is done by groups, it would not be helpful to remove them from all moral judgment and responsibility.

Is it not the individual who acts, even if the individual is acting in a group with other actors? Are we not individually responsible for the actions we perform, even in groups? Collective guilt does not seem to discriminate. Further, it can be something for people to wallow in, comforted by the conviction that there is nothing much that can be done about it since collective moral responsibility is such a morass. Collective guilt can be a species of self-serving rationalization. But in spite of all these objections, a proper understanding of collective guilt seems feasible.

*Justice as the Key to Collective Guilt…*

Collective guilt is possible because we have a social nature. We are in society because we are social beings, not because of an arbitrary contract. It is not just an optional arrangement; it is us. There is a social as well as a private, personal dimension to our being. We do indeed agree to certain kinds of social structuring and find utility in social living, but such facts are subsequent to our constitutional sociality as persons. Our conception of guilt cannot be atomistically individualistic. Our natural relatedness to others must show through in our guilt as well as in the collective virtue of our social structures.

As a group or a society, we allow for the emergence and permissibility of certain kinds of activities and attitudes. In his article “Guilt: Yours, Ours, and Theirs,” Theodore R. Weber writes: “We are not passive or neutral toward the social housing we inhabit. We receive it, use it, reinforce it, and pass it on.” If as a people we have a character that reflects the collective make-up of all, regardless of the diversity of backgrounds, we share a common responsibility. In this respect there is a complicity in our systemic arrangements and in the actions that we
permit (or omit) in the name of others. If individuals can act or fail to act collectively, they can be collectively guilty.

To clarify further an understanding of collective guilt (and to address the question at the end of the last chapter — Do Societies or Institutions Have Consciences?), we can refer to chapter 3 where we discussed the three kinds of justice that mark our relationship with others: individual, social, and distributive. Individual justice is between individuals or discrete groups; social refers to the debt of the individual to society, and distributive to the obligations of the social whole to the individual. A full understanding of the value of persons integrates the three kinds of indebtedness implied in the three kinds of justice. Since justice and the value of persons can be denied at any level, guilt, correspondingly, can occur at any level.

Of course, it is easier to imagine and conceptualize violations of individual justice. John cheats James in a business deal. Simple enough. We are less accustomed to thinking of how we are unjust as a group. By not paying our debts of concern and involvement to the common good, by allowing social evils to continue without any slight effort through personal activity or through groups to which we belong, we contribute to social injustice. Slavery could not have existed without a lot of complicity and apathy. So too for a number of social ills today. How many men could say that they have done enough to work against the effects of sexism in our society and in our institutions and professions?

As moral and ethical beings, we must work for conditions in which justice will be the critical social energy. Obviously, we are a long way from such an achievement. To say that we are guiltless is to say that we are just; it is to say that we are morally sensitive and caring and creative enough.

Collective guilt arises from what is undone in a society and not only from what a society does wrong; it is a communal omission of appropriate moral response. But this omission is something for which the individuals in the group are responsible. Yet, it is not something that could be tried in a court of law. Its proper forum is conscience. In certain instances, as we have seen, the failure to render assistance in a particular case can be made a matter of judicial concern when the opportunity to aid is clear and individualized. Unfortunately, communal guilt allows for no such precision, and yet it is a critical fact of human life and the cause of most of our problems.

It would seem that the enthusiastic malevolence of the lynch mob appears in subtle disguise in human society more often than we would care to admit. This grim side of our history is something that must be included in an estimate of collective guilt. We have a predisposition not just for grouping, but for grouping against, and the group gives
strength to our baser proclivities. In a face-to-face encounter with all its chastening immediacy, we feel ourselves on the spot. Our reactions are likely to be more benign. But group experience dilutes individual conscience, making it easier to do real, unnecessary harm to persons. To speak only of individual guilt is to miss this influential aspect of our many-leveled reality. Because we are capable in diverse ways of seeing evil and of doing it with some conscious deliberation, we would not know ourselves if we did not know our guilt, collective and individual. But there is such a thing as healthy guilt, guilt that is not neurotic and that calls not so much for therapy as for moral transformation. Part of the force of that transformation is a well developed conscience that ethics must serve.

STUDY QUESTIONS

1. Explain the meaning of conscience and clarify the relationship between ethics, conscience, and the wheel model.

2. If conscience implies moral awareness and perception, how can there be, in good conscience, contradictory conclusions to the same moral problem? Can some consciences be better developed than others? Are all consciences on the same moral level? Is it always right to follow one’s conscience? How is conscience related to character?

3. Give examples of conflicts between an individual’s conscience and socially accepted norms. How should persons react if they disagree with major policies of their corporate employer? Discuss.

4. If one perceives a moral obligation but does not act or acts wrongly, guilt can arise. Discuss three understandings of guilt and explain how omission as well as commission can be part of individual and collective moral guilt. How can guilt be a healthy psychological and moral phenomenon?

5. Give some examples of contemporary taboos, of egoistic guilt, and of collective guilt. Show some of the forms that taboo takes in modern professions.

6. In reference to collective guilt, evaluate terrorist activity. Are innocent people used as targets of collective guilt or as targets of revenge? On what grounds can terrorist activity be condemned?

7. Give some examples of how we are individually and collectively responsible for the way we treat our environment.

8. Show how an individual’s conscience can be shaped by a society. Give some examples. If we passively support unjust social policies, are we in any way guilty?