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SHAME CREEPS THROUGH GUILT AND FEELS LIKE  
RETRIBUTION

INTRODUCTION<sup>1</sup>

The stories of William Trevor often contain, near the end, a single sentence that captures – in one crystalline moment – a core insight toward which the story has been building all along. Near the end of his recent novel *Death in Summer*, the following sentence occurs: “Her compassion faltered: shame creeps through guilt and feels like retribution.”<sup>2</sup> I believe that my ability to understand the profundity of this sentence, and thus the story in which it occurs, was aided enormously by my reading of the essays of Herbert Morris. And thus, in my essay, I will reflect on the themes present in this sentence and thereby follow, in my own limited way, a path familiar to all those who have read Morris: drawing philosophical inspiration from literature, trying to be open to the moral and spiritual insights latent in dark and mysterious stories and sayings,<sup>3</sup> reflecting on the inter-

<sup>1</sup> This paper was presented on April 2, 1999, in Berkeley, California, at the annual meetings of the American Philosophical Association, Pacific Division, at a special session “The Work of Herbert Morris.” I was pleased and honored to be a part of this session, since my own thinking has been greatly influenced and enriched by Morris’s work and my life has been enriched by my personal interactions with him. I thus dedicate this paper to him with esteem and affection. I have received useful comments on an earlier draft, for which I am very grateful, from Herbert Morris, Peter de Marneffe, Elaine Yoshikawa, Jerome Neu, Sharon Lamb, Betsy Grey, Dan Strouse, Rebecca Tsosie, and Margaret Holmgren.

<sup>2</sup> Trevor William, *Death in Summer* (New York: Viking, 1998), p. 211. In Trevor’s earlier *Felicia’s Journey* – a novel ultimately of understanding and even forgiveness of the most apparently unworthy of people – a similar function is performed (at least for me) by this sentence: “Lost within a man who murdered, there was a soul like any other soul, purity itself it surely once had been.”

<sup>3</sup> Morris’s ability to use stories as a basis for deep philosophical reflection is impressive – e.g., his use of Friedrich Durrenmatt’s *Traps* at the beginning



twined emotions of guilt and shame, and seeing – in all of this – implications for punishment and forgiveness, both of self and of others. In Morris's own work, of course, these perspectives are all employed with great human sensitivity – employed by a person whose compassion never seems to falter.

#### GUILT AND AUTHORITATIVE COMMANDS

I will approach my topic somewhat indirectly by opening with a discussion of John Deigh's quarrel with some of the positions taken by Herbert Morris in the essay "Nonmoral Guilt." I will be drawing on an earlier draft of Deigh's paper "All Kinds of Guilt" (a paper about which we have corresponded in the past), and I write in the realization that he may now have changed some of his views.<sup>4</sup> I think that the positions here discussed are of sufficient intrinsic interest, however, to justify their exploration even if they have now to some degree been abandoned by their author. Similar positions are, for example, to be found in the work of Herbert Fingarette and Jean Hampton. (Indeed, on the theory that something worth saying once is worth saying again, I have adapted for use here a couple of pages from an earlier essay of mine on Jean Hampton.<sup>5</sup>) I have learned a great deal from Deigh's insightful paper and believe that he has told an important part of the story about guilt and bad

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of "Persons and Punishment" and his analysis of the story of Adam and Eve in "Lost Innocence." And on the issue of dark sayings: I once chided Morris for quoting, with obvious appreciation, what at the time I took to be a stupidly obscurantist remark by Simone Weil. I have since come to realize that there was more wisdom in Weil's remark and Morris's use of it than in my hasty rejection. (For my exchange with Morris on Weil, see the symposium on forgiveness and mercy in *Criminal Justice Ethics* 7(2)(1988).) Unless otherwise noted, the Morris essays cited in this paper will be found in his collection *On Guilt and Innocence* (Berkeley: University of California Press, 1976).

<sup>4</sup> A later version of Deigh's paper appears above: "All Kinds of Guilt," *Law and Philosophy* 18 (1999), pp. 313–325. All subsequent quotations are taken from an earlier version of Deigh's paper.

<sup>5</sup> Herbert Fingarette, "Punishment and Suffering," *Proceedings of the American Philosophical Association* 51 (1993), pp. 499–525. Jeffrie G. Murphy, "Jean Hampton on Immorality, Self-Hatred, and Self-Forgiveness," *Philosophical Studies* 89(2–3) (1998), pp. 215–236 – reprinted in Jeffrie G. Murphy, *Character, Liberty, and Law* (Dordrecht: Kluwer, 1998).

conscience. I shall argue, however, that an even fuller and richer story will be told if we draw upon some insights from the work of Herbert Morris.

Deigh attributes to Morris the view that guilt is the principal moral feeling expressing bad conscience (he calls this the view that is “now common in moral philosophy”) and also attributes to Morris a certain analysis of the moral feeling of guilt. Moral guilt, he claims (both for himself and for Morris), is a self-critical feeling occasioned by disobedience to requirements set by a “governing moral authority.” It is “the appropriate feeling one experiences in response to one’s having ignored these requirements . . . *The object of the feeling [of guilt] is one’s disobedience.*”<sup>6</sup> Deigh then argues that many of the cases identified by Morris as nonmoral guilt should be seen instead as moral guilt since they do involve, in ways that Morris has missed, disobedience of authoritative rules.

But is this Morris’s view of guilt? And is this view (whether Morris’s or not) correct? These are the questions that I shall now explore.

Morris, like Deigh, has certainly been influenced by a Freudian psychoanalytic perspective and would no doubt agree with Deigh that the development of a moral sense or conscience (a super-ego) at some point involves the internalization of parental commands perceived as authoritative. But this, of course, cannot be the whole story – as the existence of *critical morality* (which may involve a challenge to parental commands) surely demonstrates. A psychoanalytic account of causal origins clearly has some bearing on the nature of the moral feelings, but it surely cannot represent a full account of those feelings.

What does Morris think? At the outset of “Nonmoral Guilt” he quotes H. K. Lynd’s claim that “guilt consists in the intentional transgression of prohibition, a violation of a specific taboo, boundary or legal code, by a definite voluntary act.”<sup>7</sup> Of course Morris quotes this passage only to reject at least part of it, for the important kind of guilt he labels “nonmoral” does not require the

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<sup>6</sup> Italics mine.

<sup>7</sup> Herbert Morris, “Nonmoral Guilt,” in *Responsibility, Character, and the Emotions*, ed. Ferdinand Schoeman (Cambridge: Cambridge University Press, 1987), pp. 220–240.

kind of intentional and voluntary acts spoken of in the passage. But does Morris subscribe to the other elements of Lynd's analysis of moral guilt – particularly to the idea that the essence of guilt is the transgression of an authoritative prohibition?

I think that a case can be made that the answer to this question is *no*. Writing of early childhood development, Morris claims (and here is in agreement with Deigh) that normal development involves “the child acquiring the concept of a rule, his accepting a rule, and in cases of infraction feeling guilt.”<sup>8</sup> He also stresses, however, the importance in guilt of *connectedness to other people*. He writes:

What is valued in a [guilt morality] is ... a relationship with others ... With guilt we have a conceptual scheme of obligations and entitlements [leading to] the idea of owing something to others ... With guilt one's status is intact but one's relationship to others is affected. [Guilt thus leads to attempts at] restoration.<sup>9</sup>

It [also] seems clear that we often feel guilty and quite appropriately, I believe, in circumstances where we have not disobeyed the commands of conscience. The damage we do through faulty inattentiveness is often great and there is nothing like the setting of our will against a cognizable command, though we may feel guilty. But even without fault we may do great damage; it may derive from an understandable ignorance or blindness and only after much soul-searching might we discover the harm and our role in it. This may not be moral blameworthiness but the guilt we feel is not pathological. The feeling seems grounded on a sense of our responsibility for damage to what we value, anger at oneself because of it and a disposition to repair.<sup>10</sup>

In the later essay “Nonmoral Guilt,” Morris stresses what he calls the value of “human solidarity” as central to many instances of appropriate guilt. However, in this essay, he claims that guilt based solely on human solidarity in the absence of responsible wrongdoing should be conceptualized as “nonmoral guilt.”

I think that this choice of terminology is unfortunate, allowing – as it does – a Kantian ethic of principle and voluntary wrongdoing to gobble up the entire domain of morality. However, if there is anything at all to the idea of what is now called virtue ethics, then surely a person who lacks a feeling of solidarity with his fellow human beings (unlike, say, someone who lacks an appreciation of

<sup>8</sup> *On Guilt and Innocence*, p. 60.

<sup>9</sup> *On Guilt and Innocence*, pp. 60–62.

<sup>10</sup> “Reflections on Feeling Guilty,” *Philosophical Studies* 40 (1981), p. 192.

Bach) can properly be said to have a moral deficiency of character. Human solidarity, like compassion, deserves to be classified as a moral feeling; and thus there is a sense in which any guilt that is based upon this feeling, even in the absence of voluntary wrongdoing, may appropriately be classified as a kind of moral guilt. (Evolutionary biologists tend to see altruism as the paradigm moral feeling, and perhaps – though overstating their case – they are seeing something missed in a purely psychoanalytic perspective.) Mrs. Iveson, in the William Trevor story, feels guilt in part because “her compassion faltered,” and I do not find it illuminating to call this nonmoral guilt. Neither, for reasons I will explore later, do I find it illuminating to call it simply shame. Thus I think that the great insights of Morris’s essay would have been better served if the essay had been entitled, not “Nonmoral Guilt,” but rather “Two Kinds of Moral Guilt.”<sup>11</sup>

At any rate, an idea repeatedly stressed by Morris is the idea that morally mature guilt essentially involves our relations with other people, our concern with them as fellow human sufferers, and our placing high value on their welfare (or at least their freedom from injury). I think that Morris is correct to stress this as an important part of the moral phenomenology of guilt, and I also think that it is an aspect of guilt that we miss if we analyze guilt too heavily in terms of the violation of authoritative commands. I think that Morris realizes this and that he is importantly right in realizing this. For if guilt were solely a matter of violating authoritative commands, how could we account for important aspects of guilt that Morris emphasizes – e.g., the idea that the guilty person owes something to others?

To make this point more clearly, let us consider the kinds of cases that are now (following Thomas Nagel and Bernard Williams) generally referred to as cases of “moral luck.” A normal person who drives while intoxicated and kills a child in a crosswalk will, I suspect, be eaten out with intense guilt for a long time – perhaps

<sup>11</sup> Deigh and I agree that some of the guilt that Morris identifies as nonmoral should be identified as moral, but our reasons are different. Deigh, seeing moral guilt only where there is rule violation, finds rules (and thus moral guilt) where Morris does not. On my view, the attachment of guilt to certain moral sentiments is sometimes enough to qualify the guilt as moral even in the absence of rule violation.

unto death. But that same person probably will feel little or no guilt if, through good luck, there is no child in the crosswalk when he speeds through it. In the first scenario the person may spend a lifetime searching in vain for self-forgiveness, whereas in the second scenario the person would hardly see the point of even raising the issue. The difference here can only be explained, I think, by the presence of harm in the one case and the absence of harm in the other. The element of violation of an authoritative prohibition is equally present in both cases.

We typically feel our most intense guilts, not because of abstract and formal violations of authoritative rules, but because we see vividly the harm that we have inflicted on others by such violations. Violation is often part of the story, of course, but it is not always center stage. Center stage is frequently occupied by harm or injury. Robust defiance of major rules will often, in the absence of injury, leave us free – if not of all guilt – at least of the more severe and conscience burdening varieties of guilt. Knowing or even thoughtless neglect of lesser rules, however, will often generate guilt bordering on self-hatred if we see that such neglect inflicts injury – particularly on those with whom we are intimately involved and about whom we care deeply. The writer A. N. Wilson captures this point nicely in the following passage from his novel *Incline Our Hearts*:

It is only on those whom I have loved that I have ever knowingly inflicted pain. The guilt of it remains forever, my words selected with such malice and the startled expression on the victim's face as the effect went home. These are the faces which return during nights of insomnia, forever hurt in my memories, and inconsolably so . . . Sometimes in spells of profound depression, it is these moments alone which surface in the memory. Everything else is a bland, misty background against which these figures stand out sharp and clear – women in tears, or my uncle, drawing back the corner of his lips and sticking a pipe in his mouth, trying to conceal the extent to which I was hurting him.<sup>12</sup>

<sup>12</sup> A.N. Wilson, *Incline Our Hearts* (London: Penguin Books, 1988/1990), pp. 143–144. Although Wilson speaks here of guilt, I shall later argue that shame must also be an important part of what is being felt here. I recalled the Wilson passage when I read this from psychologist Donald L. Nathanson's book *Shame and Pride*: "Whatever portion of us is revealed during a shame experience causes the unfolding of a process that brings from their hiding places a host of other hidden memories. Our ability to group memories, to order our experience so that

Wilson here captures perfectly at least my sense of the paradigm cases where guilt is likely to arise. And these cases would be radically distorted, in my view, if analyzed as centrally concerned with disobedience to authority. To this extent, I think that Melanie Klein has noticed something missed by Freud; and Martin Hoffman has noticed something missed by Piaget.<sup>13</sup>

In correspondence, Herbert Morris has suggested that the feelings of negative self-assessment in these cases of harm to others should perhaps be identified as *remorse* rather than guilt. However, Wilson does use the term “guilt,” and – to quote a remark made by Morris himself in his essay “Nonmoral Guilt” – “I am skeptical about any claim of widespread misuse of terms for emotional states, and I am generally disposed to accept first-person reports as accurate.”<sup>14</sup> Thus I am presently inclined to continue seeing harm as central to guilt – at least as central as (and sometimes more central than) rule violation.

I would even go so far as to suggest that an over-emphasis on mere transgression and rule violation would cause us to miss a central element in the greatest story of transgression in our culture, a story from which we may get many of our ideas of guilt, and a story upon which Herbert Morris has written with great insight in his essay “Lost Innocence.”<sup>15</sup> I am thinking, of course, of the story of Adam and Eve in the garden.

One would, I think, miss a great deal that is important in this story if one viewed it mainly as a story about the violation of an authoritative prohibition. After all, the discussion between Eve and the serpent focuses, not on issues of moral principle, but rather on competing prudential hypotheses. Eve seems concerned, not with

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it may be handled in some intelligent manner, this very facility that allows us to organize our internal world becomes the source of the very images we would most like to forget. Shame can be triggered by exposure of the self to the view of others. But it triggers further exposure of the self to the self, maintaining and amplifying shame, creating shame-filled moments or even shame-dominated moods.” Donald L. Nathanson, *Shame and Pride* (New York: W. W. Norton, 1992), pp. 254–255.

<sup>13</sup> I can claim no expert knowledge of any of these writers and am depending heavily on what John Deigh says about them in his essay.

<sup>14</sup> Morris, “Nonmoral Guilt,” p. 221.

<sup>15</sup> *Supra*, note 3.

God's abstract moral authority, but rather with the question of the reliability of God's promise to sustain her being and promote her interests. She fears to eat from the tree, not because she has some primitive grasp that "Do not eat from the tree" is a categorical imperative, but because God has said that anyone who eats from the tree will die. She is not sure, however, that her fear is justified; and thus the serpent is able to seduce her into disobedience, not by inviting her to replace God's moral authority with her own, but rather by reassuring her about the promised sanction. He says simply "Of course you will not die" and Eve, alas, believes him.

In my view, what the serpent blinds Eve from seeing is not the majesty of God's categorical moral authority but rather the fact that God the creator knows what is in the best interest of His creatures whom He loves – a point missed by a reading of the story that places too much stress on issues of authority and command. The God of the story is to be obeyed for the very practical and prudential reason that He created human beings and therefore knows what is required in order for them to flourish.

I think that a reading that places too much stress on the violation of authoritative rules also makes us miss an aspect of the story that is even more important for our present purposes – namely, the nature of any guilt that Adam and Eve might feel after their disobedience. If they experience guilt (and the story, speaking only of shame, does not tell us that they do) is this because they have defied an authoritative rule or rather because they have deeply betrayed and disappointed – and thus *hurt* – the Heavenly Father who loves them? I suspect it is in large part the latter. God's response to them strikes me as personal as well; it is largely that of an injured but still loving father whose loving care has been unappreciated, not simply the response of a cosmic policeman who – like Oliver Wendell Holmes, Jr. – holds the abstract belief that the law must keep its promises. The story of the garden is a powerful *personal* drama and a powerful *family* drama – something we would miss with too much emphasis on rules and authority and mere disobedience.

I am supported in this hunch by, if I understand him correctly, Bernard Williams. He has argued – in his book *Shame and Necessity* – that Western guilt morality had, at the time of its origins, one great strength: attention to the hurts and claims of victims. He believes

that this strength was lost, however, when guilt morality became overly Kantian – i.e., highly abstract, formal, and legalistic.<sup>16</sup> The worry that Williams raises poses serious problems, I think, for any analysis of guilt that places too heavy an emphasis on principle, rule and disobedience. In such an analysis, the powerful claims of victims – their hurts, their outrages, even their hatreds – drop out in favor of an abstract concept of defiance of law. What drops out as well, I suspect, are the powerful reactive attitudes that seem so naturally a part of either being a victim or reacting to victims but so artificially grafted on to abstract notions of law. Morris's full analysis of guilt, at least as present in some of his essays as I interpret them, restores the values that Williams finds missing from other modern accounts.

In summary: Although I would not deny that disobedience of authoritative rules is an important element in some instances of guilt, I would not myself stress its centrality to the degree that Deigh does. What is central in many cases – and what tends to cause the most painful pangs of guilty conscience in morally mature persons – is not just wrong but *wrongful injury to others*.<sup>17</sup>

One could, of course, say that what is at issue here is some authoritative rule of the form that others are to be cared for. But this strikes me as perverse. In the best case, what I really care about is *them*. A poor second best is to care about, not them, but about some rule that says that they are to be cared for. Most of us cringe when Mrs. Solness (in Ibsen's *Master Builder*) blocks expressions of gratitude from Hilde Wangel by making it clear that there is no kindness or concern involved, only duty. "It is no more than my duty," she

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<sup>16</sup> Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993), esp. pp. 219–223.

<sup>17</sup> Donald L. Nathanson, a psychologist who has authored several influential studies on shame and guilt, sees that harm plays a role at least equal to rule violation in understanding guilt. He writes: "Guilt is the painful emotion triggered when we become aware that we have acted in a way to bring harm to another person or to violate some important code" (*Shame and Pride*, p. 19). Nathanson suggests here that the harm in guilt does not even have to be from wrongful conduct. Even if I have sufficient reason to subject a child whom I love to a painful medical procedure, I might well – in spite of my realizing that I have done the right thing – experience guilt. Is such guilt pathological or irrational? I am inclined to think not.

says with respect to her gestures of assistance. Mrs. Solness would no doubt feel a kind of guilt merely for failing in such duty, but such guilt is not – I would be inclined to say – the best kind of guilt.<sup>18</sup>

Guilt is simply too complex to be fully captured by notions of authority and disobedience and rules; and it is one of the great strengths of Herbert Morris's writings on guilt that they often reveal deep sensitivity to this complexity. He always starts the story of guilt with rule violation, but before he ends the story he has usually stressed the one thing that (in my view) gives even these rules their moral point: their tie to certain values, particularly the value of human beings – their rights and their welfare – and the relationships among human beings.

#### GUILT, SHAME, AND THE PANGS OF CONSCIENCE

Having suggested that guilt (in the best and morally mature cases) involves much more than a negative self-assessment based on disobedience to authority, I would now like to explore Deigh's claim that "guilt is the principal moral feeling expressing bad conscience."

My immediate thought, when I first read Deigh's claim, was "What about *shame*?" Does not this important moral feeling play, along with guilt, a central role in the analysis of moral conscience? And is not the omission of shame particularly surprising on the part of John Deigh – who is the author of one of the most insightful essays on shame in the current philosophical literature?<sup>19</sup>

This first thought remains my present thought. I think that shame is absolutely central to a full understanding of guilt and the pangs of conscience and I think that Herbert Morris, in several of his writings, shows a grasp of this point – this grasp being sometimes obscured for the reader, however, because of Morris's tendency to prefer the

<sup>18</sup> My thinking about the Ibsen play has been greatly influenced by Peter Winch's essay "Moral Integrity" in his collection *Ethics and Action* (London: Routledge and Kegan Paul, 1972).

<sup>19</sup> John Deigh's, "Shame and Self-Esteem," *Ethics* 93 (1983) and reprinted in *Ethics and Personality*, ed. John Deigh (Chicago: University of Chicago Press, 1992).

*language of guilt* – speaking of “guilt before ourselves” in many cases where the rest of us might speak simply of shame.

In what follows, I shall attempt to use insights in several of Herbert Morris’s essays to show how shame is required in order for guilt to become sufficiently self-punishing, sufficiently tied to personal suffering, to deserve characterization as a full-blown bad conscience.

Before beginning my discussion of the kind of shame I shall seek to defend (I shall call it “moral shame”) I want to make two preliminary points. First, I am well aware that, at least in our culture, shame is an emotion of toxic potential. When extremely directed toward inappropriate objects – e.g., poverty or social status or appearance – shame can be deeply destructive of personal well being and even mental health. These consequences can be particularly destructive if they occur when character is being formed in childhood. As the novelist Annie Ernaux remarks of her own shameful childhood of poverty, social ostracism, and family violence: “This can be said about [such] shame: those who experience it feel that anything can happen to them, that the shame will never cease and that it will only be followed by more shame.”<sup>20</sup>

I have no desire to defend this kind of shame or to wish it on anyone.

The second preliminary point I want to stress is that the arguments I shall here give in defense of moral shame should not be seen as offering even partial support for the currently trendy movement in American criminal law toward what are sometimes called “shaming punishments.” Such punishments (at least as practiced and recommended in America) have been given their best defense by Dan Kahan but have been subjected to what I regard as a nearly fatal critique by Toni Massaro and others.<sup>21</sup> As practiced in America, these punishments (e.g., requiring prisoners to work on chain gangs

<sup>20</sup> Annie Ernaux, *Shame*, translated by Tanya Leslie (New York: Seven Stories Press, 1998), p. 95.

<sup>21</sup> For a defense of shaming punishments, see Dan Kahan’s “What Do Alternative Sanctions Mean?” *University of Chicago Law Review* 63 (1996), pp. 591–653. For a critique of shaming punishments, see Toni Massaro’s “Shame, Culture and American Criminal Law” *Michigan Law Review* 89 (1991), pp. 1880–1944 and “The Meanings of Shame – Implications for Legal Reform” *Psychology, Public Policy and Law* 3 (1997), pp. 645–704.

or wear pink underwear or requiring convicted sex offenders to post notices of their crimes on their houses) have little or nothing to do with moral shame but rather strike me as mainly coercive exercises in humiliation and degradation – a kind of smug and mean-spirited vengeance with tendencies to lapse into arbitrary cruelty. They do not engage and rebuild the core of the moral self but simply add extra punitive burdens and inconveniences (some of them quite grotesque) to the criminal's post-conviction life.

Having attempted to indicate the two kinds of shame and shaming I am not concerned to defend, let me now move – with the help of Herbert Morris's writings – to an articulation and defense of what I have called "moral shame" – what I will have in mind in the remainder of the paper when I simply use the word "shame." I shall here be referring to a collision between one's actual self – past or present – and one's internalized and moral ego ideal.

Let me begin with a personal story. In my view, the best way (at least initially) to test a philosophical account of an emotion is to test that account against one's own experience of that emotion. Does the account illuminate or distort? This strategy has its dangers, of course, for one may discover – as one talks with others or reads widely – that one's own experience is highly idiosyncratic or even pathological. Hoping that mine is neither, let me recall what is for me one of the most painful examples of bad conscience that I have ever experienced – a story that, even after many years, can make me almost double over in *angst* when, in a private moment, it forces itself upon my memory. (When I intentionally recount it in public, the context provides enough psychic distance to eliminate most of the pain.)

When I was a boy, I loved baseball and desperately wanted a baseball glove. Although I was not aware of this, my parents were at that time experiencing great financial distress – such great distress, indeed, that even the cost of a baseball glove was beyond their means. As it happened, the naval base where my father was stationed fielded several amateur baseball teams and these teams sometimes discarded used equipment. My father came across a discarded baseball glove. He tried it on, found that it was still in surprisingly good condition, and – with delight in his eyes – presented it to me when he came home at the end of the day. But my father was, alas, left-

handed; and I am right-handed – a difference he had not, at the moment of trying on the glove, brought to consciousness. When I tried it on, my immediate disappointment at its uselessness to me was obvious and I rather contemptuously cast it aside. My father lost his temper, called me ungrateful and selfish, and sent me to my room – behavior on his part that I now see as his way of defending himself against his own hurt and disappointment when one of his rare attempts to do something he found so difficult – show love – misfired.

A small incident, you may well say; but it is one of the more interesting things about human psychology that such small incidents can become life-defining moments for us. They can, though generating no guilt or shame or bad conscience at the time, generate all this to a painful degree when recalled in later life. Ignoring its relevance to Bill Clinton, consider this humorous but profoundly instructive exchange between Simon and his analyst in Donald Barthelme's novel *Paradise* – an exchange that beautifully illustrates the way in which certain childhood experiences can be central in the formation of the self:

“What was your first sexual experience, Simon?”

He thinks for a moment. “I was about ten. This teacher asked us all to make little churches for a display, kind of a model of a church. I made one out of cardboard, worked very hard on it, and took it in to her on a Friday morning, and she was pleased with it. It had a red roof, colored with red crayon. Then another guy, Billy something-or-other, brought in one that was made of wood. His was better than mine. So she tossed mine out and used his.”

“That was your first sexual experience?”

“How far back do you want to go?”<sup>22</sup>

But now back to my own story – a story very like the A. N. Wilson memory that I discussed earlier and one that I recall with enough painful guilt to say with confidence that I feel in it the deep pangs of a bad conscience.<sup>23</sup> I of course have other similar stories – we all do – and by no means all of them involved relations with my father or any other childhood experience. Friends, lovers, children, colleagues, students, strangers, and even my dogs

<sup>22</sup> Donald Barthelme, *Paradise* (New York: G. P. Putnam's Sons, 1986), p. 19.

<sup>23</sup> For another similar story, see William Maxwell's novel *So Long, See You Tomorrow* (New York: Knopf, 1980).

would be mentioned in a complete inventory of my occasions of bad conscience. I limit myself to one such story, however, because I think it is representative and because telling more than one would, I fear, strike my reader as a boring and even offensive exercise in self-indulgence on my part. Perhaps, even in telling the one, I run such a risk.

Whether in wisdom or stupidity, however, the story has now been told; and I want to understand the bad conscience at the heart of it – the pain generated by the memory of what I did. What is the basis for this pain?

I simply cannot believe that the violation of any authoritative rules was very much involved, so that is not an important part of this particular story.

Certainly the hurt and disappointment that I caused to my father is an important part of the story, but that is not the whole story either. Why? Because there are other cases where I hurt and disappointed him (and have hurt and disappointed others) that have not left me with such self-loathing.

What, then, is left to provide the basis? I think it is a kind of *shame*; because what comes most vividly before my mind in this case, but not in all cases, is this question: “How could I have been the *kind of person* who could have been so insensitive – a person so mired in his own narcissism that he utterly lacked empathy, so unable to recognize gestures of love, and so willing to inflict hurt simply because his own small desires were unmet?”<sup>24</sup>

To raise these kinds of questions – questions about the integrity and value of one’s very self – just *is* to feel shame. In psychoanalytic language, these questions point to a conflict between what one is or has been and the image one has of one’s ideal self, one’s ego-ideal; and, if one’s ego-ideal has moral values as constitutive elements, then at least certain moral failures will produce, not just guilt, but shame as well. For the difference between “I am sorry I did that”

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<sup>24</sup> Not all moral failures raise this worry about the self. Moral wrongs that are *out of character*, for example, may be occasions for guilt (and desires to make restitution, etc.) but not moral shame. Motives – and particularly settled dispositions – matter greatly here. In *On Guilt and Innocence* (p. 63), Morris notes that a shame morality essentially involves, in a way that a guilt morality does not, “concern with motives, with purity of heart, grandeur of soul.”

and “I am sorry that I was the kind of person who (for those motives) could have done that” is subtle but important.

Why did I not feel such deep pangs of conscience at the time I hurt my father but came to feel them only later? Is it because I had no clear ego-ideal at the earlier time and had to await its development – and its assumption, for me, of moral properties – in order to feel the relevant kind of moral shame? I am not sure.

One might, of course, respond to my story by saying “Give yourself a break, Murphy – you were just a kid. You should forget all this because your continuing recollection of it and other cases from your past is pathological.” Although I cannot here explore all of my reasons for thinking this, I think that such a response is shallow. To disavow the self of one’s past – even one’s childhood self – blocks, among other things, one’s ability to understand the sense in which one may see oneself as having experienced moral growth and the path by which further moral growth may be possible. And is not all bad conscience directed toward the past?<sup>25</sup>

It is possible, of course, that a legitimate recollection of such cases could, given a certain self-indulgence, transform itself into an obsession with them; and here is where repentance, forgiveness from others (if they are still alive), and ultimately self-forgiveness have vital roles to play. Herbert Morris makes this point forcefully when he writes: “Humility of a certain sort seems essential to a number of distinct conditions: to contrition, to repentance and to forgiveness of oneself . . . When conscience is at work we must be able to forgo an attachment to a self-inflated image of ourselves that may lie behind continued self-reprobation.”<sup>26</sup>

Morris here offers wise counsel against obsession with self, but the existence of pathological cases should not blind us to other cases where attention to the shamed self can be a sign of health and a stimulus to moral improvement – the attempt to mold a better character – through the painful prod that such shame provides. For in

<sup>25</sup> “We have no right to let go of so much that shaped us; we shouldn’t be allowed to forget.” Sue Miller, *While I Was Gone* (New York: Alfred A. Knopf, 1999), p. 98. My colleague Peter de Marneffe has put the point this way: “If being a morally inadequate person is a good reason to feel ashamed, why isn’t having been a morally inadequate person also a good reason, since one is, in many important respects, the same person?”

<sup>26</sup> “Reflections on Feeling Guilty,” *supra* note 10, p. 191.

my view, it is the narcissistic wound inflicted by shame that causes the greatest suffering, the greatest self-punishment, that we associate with a bad conscience. In short: shame creeps through guilt and feels like retribution.<sup>27</sup>

Where did I learn these important lessons about the relationship between guilt, shame, and bad conscience? I believe that I learned them from reading and reflecting upon (without, I hope, too much distortion) the essays of Herbert Morris. Let me quote three representative passages from those essays:

I do not believe that one can begin to explain the suffering attached to one's disobeying conscience without emphasizing a person's deep attachment to being a person of the sort partly defined by one's conscience. Conduct contrary to conscience is not just disobedience. We are attached to the source of the command and thus disobedience becomes like self-betrayal. With this there is an inevitable loss of self-esteem . . . [W]e experience a form of fragmentation; there is a breakdown in our sense of wholeness.<sup>28</sup>

And where the maintaining of [a] relationship is an element in one's model identity, when one acts in a way incompatible with the relationship, the

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<sup>27</sup> In the Trevor story, this claim is made about Mrs. Iveson, one of the central characters. She learns of the unspeakable horrors contained in the childhoods of those damaged people who stole but then returned her grandchild, and – in the sudden loss of an undesirable kind of innocence – she is struck by an image of herself as a shallow person who has lived in the smug illusions of privilege and wealth and isolation from the sufferings of ordinary people. Like Lear, she sees that she has “ta'en too little care of this.”

I have used the phrase “narcissistic wound” to describe the pain of moral shame, and this may strike some of my readers as odd since I clearly want to regard such shame as legitimate and, in ordinary language, we tend to use the word “narcissism” to describe pathological vanity. For my own usage, I am drawing on Heinz Kohut, one of the leading psychoanalytic writers on narcissism. Kohut regards some level of narcissism as healthy – even necessary: “Since the self is, in general, cathected with narcissistic libido, the term ‘narcissistic self’ may with some justification be looked upon as a tautology.” Heinz Kohut, *The Analysis of the Self* (Madison, Connecticut: International Universities Press, 1971), p. 26). When such narcissism reaches a pathological level, Kohut uses the terms “grandiosity” or “grandiose self.”

<sup>28</sup> “Reflections on Feeling Guilty,” *supra* note 10, p. 189. For a rich exploration of the relationship between guilt, shame, and self-esteem see John Deigh's “Shame and Self-Esteem.” For reasons I noted earlier, I would not emphasize the ideas of disobedience and command to quite the extent that Morris does in this passage.

shame response focuses on failing to be a worthy person as one conceives it . . .<sup>29</sup>

. . . [O]ur failure may be . . . in doing and failing to do things that, while ultimately involving harm to others, are most directly crimes involving ourselves, crimes that consist in one way or another in failures of integrity, failures to be and to act as our conception of ourselves dictates. There is strong temptation to talk of guilt here – guilt before ourselves – rather than shame, for fault conditions do obtain in many instances . . . The impulse to talk of shame [here] comes from the inappropriateness in these cases of alleviating the feelings we have by conduct such as . . . receiving punishment.<sup>30</sup>

Morris vacillates here between shame and what he identifies as guilt before ourselves, and perhaps he is right to do so. Perhaps the moral phenomenology here is too complex to be captured adequately by either concept. What is important, however, is that he sees the vital role played by the pain of negative assessment of one's very worth – and not just rule violation and not just harm – in a proper account of the sufferings of a bad conscience.

<sup>29</sup> *On Guilt and Innocence*, p. 61.

<sup>30</sup> *On Guilt and Innocence*, pp. 134–135. In this passage Morris also claims that ascribing shame seems appropriate in these cases to the degree that the asking of forgiveness seems inappropriate. I think that this claim is mistaken, and I think that Morris corrects this mistake elsewhere. In “Reflections on Feeling Guilty” (*supra* note 10, pp. 189–192), Morris sees that forgiveness from others might allow one to attain the kind of humility that allows one to overcome the excessive self-centeredness that is an obstacle to the development of a proper sense of self. Thus one might ask for forgiveness partly in the hope that, if granted, one obstacle has been removed that may stand in the way of moving closer to one's ideal self and thereby overcoming shame. “It seems we need someone to know us *as we are* – with all we have done – and forgive us. We need to tell. We need to be whole in someone's sight: Know this about me, and yet love me. *Please.*” (Sue Miller, *While I Was Gone*, *supra* note 25, p. 261)

I am not even sure that Morris is correct when he says that receiving punishment is inappropriate as a way of alleviating shame. This may depend on the *purpose* of the punishment. If the purpose is purely retributive – to administer the suffering that is properly proportional to one's desert – then Morris is probably right in claiming its inappropriateness to shame. But what if its purpose is reformative – designed, say, to mortify the flesh and humble the will in the hope that a new and better self may emerge from the punitive process? This could, I think, be appropriate as a means of alleviating shame. See Jeffrie G. Murphy, “Repentance, Punishment and Mercy” in Amitai Etzioni (ed.), *Repentance* (Lanham: Rowman and Littlefield, 1997), pp. 143–170, reprinted in Jeffrie G. Murphy, *Character, Liberty and Law* (Dordrecht: Kluwer, 1998).

This brings to a close my ruminations on guilt, shame, and bad conscience. With apologies to William Trevor and in deference to Herbert Morris's preferred conceptualization, I will close with a one sentence summary of my core idea: Guilt before ourselves creeps through ordinary guilt and feels like retribution.

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