Self-Control, Conscience, and Criminal Violence.
Some Preliminary Considerations

Within democratic societies, acts of interpersonal violence which are defined as illegal or “criminal” are generally also defined as “immoral”. However, even those criminological theories which interpret criminal behaviour as emanating from certain personality characteristics have regularly failed to consider states of “conscience”, or various features of “moral consciousness”, as specific elements within the set of conditions that might foster or prevent violent crime.¹ This conspicuous – and rather surprising – absence even applies, with few exceptions, to theories of self-control, though in the history of thought as well as in psychological theorizing conscience (in various terminologies) has always been considered to be a major force in controlling one’s personal conduct. Drawing upon this tradition – or rather some aspects of this tradition – I will explore possibilities for bringing “conscience” back to our attention and for using it as an explanatory or interpretive concept that might be helpful in our understanding of interpersonal violence.

My starting point (first section) will be the “General Theory of Crime” advanced by Gottfredson and Hirschi (1990), who lack of self-control to be the major factor in allowing or prompting people to engage in various kinds of criminal (or otherwise “problematic”) behaviour, including acts of violence. After indicating some of the problems inherent in their approach I will propose an expansion of the concept of self-control in the direction of the human agency concept, which includes moral competence among the dimensions it seeks to integrate. The next (second) section undertakes a brief excursion into self-esteem, shame and guilt, before the third section presents some observations and reflections on the concept of “conscience”. The fourth section gives a brief outline of the research project that I am planning to carry out.

1. Self-control and crime

¹ Some studies have included feelings of shame or other elements of moral beliefs or internalized moral constraints within their set of explanatory variables (see, e.g., Grasmick & Bursik, Jr. 1990; Piequero & Tibbetts 1996 and the literature referenced there). More recently, Schoepfer and Piquero (2006), Tittle et al. (2007), Wikström and Treiber (2007) have re-emphasized the importance of “morality” to our understanding of crime.
Gottfredson and Hirschi define self-control as “the tendency to avoid acts whose long term costs exceed their momentary advantage” (here quoted from Marcus 2004, p. 37). Lack of self-control then is a disposition to disregard long-term costs and to seek immediate gratification. The authors view lack of self-control as a stable personality trait and the most important factor in the explanation of criminal conduct and other forms of misbehaviour. They also assume that this trait gets fixed in early childhood (mainly by the way parents or other caretakers treat their children) and persists throughout the life-course. A much debated question still is whether their “General Theory of Crime” (GTC) is simple in the sense of being parsimonious or simple in the sense of being simplistic. In a thoughtfully reasoned conference paper Charles Tittle, for example, offers some stimulating reflections upon “potential weaknesses” that mark Gottfredson and Hirschi’s GTC (Tittle 2007; references given here without an author’s name apply to this paper). I largely agree with his critique and, in the following paragraphs, take it as a starting point for further observations and comments:

(1) Tittle first directs our attention to the neglect of “contingencies that may affect the operation of self-control”, i.e. moderator variables that interact with (lack of) self-control. Among those are cultural influences as well as community structures and situational inducements or constrictions that shape opportunities; furthermore, the presence of other people who might be observed to exercise or fail to exercise self-control. Self-control is also affected by its own history: if people control their impulses too rigidly and persistently some explosive outbursts are likely to happen eventually.²

(2) Apart from such “moderators” there are other factors that have an independent influence on criminal behaviour, in some cases they have even been shown to be stronger than those emanating from self-control. Among these, Tittle specifically points to “morality” as a factor that “has consistently proven to be a strong predictor of criminal behaviour” (p. 13). People who are generally disposed to exercise low self-control may still adhere to their moral beliefs in situations where morality is obviously at stake (which should always be the case when it comes to hurting somebody in one way or another). The conceptual relationship between “self-control” und “morality” will be discussed later on.

² I suppose that this relates to what Tittle has in mind when he observes “that people can decide whether to exercise self-control or not” (p. 11). Such a “decision” would imply a self-controlling act on the meta-level by which the gratification one expects to obtain by acting impulsively (on the base-level) has been given priority: Sometimes, on some specific occasions, one has to let go or else those constantly oppressed desires might force their way into behaviour without any control at all.
(3) Tittle offers some interesting observations regarding the causal mechanisms that relate lack of self-control to criminal behaviour. According to Gottfredson and Hirschi (who apply a rational-choice framework) deterrence via perceived external sanctions (in particular the risk of getting fined or arrested) should be the major factor inducing persons with sufficient self-control to abstain from criminal behaviour. The empirical evidence for this assumption is mixed at best, as Tittle observes. He then considers alternative possibilities. For example, it might be “that low self-control implies a tendency toward gratifying oneself despite potential costs … Indeed, for some, the risk of cost itself may provide part of the gratification” (p. 20, emphasis in original text). Tittle speaks of the “risky thrill syndrome”. This hypothesis (which concurs with everyday experience), in my view, raises doubts about the feasibility of making risk taking an element in the definition of low self-control. One should clearly distinguish between willingly accepting or seeking risk and the tendency not to see or deny the risks involved in a certain course of action. Rather than indicating lack of rationality, risk taking may indicate a carefully pondered choice regarding the rank ordering of one’s preferences. One also has to consider the possibility that in “risk societies” (Beck) the future has become less certain and thus it might be wiser to reduce the time-horizon in calculating “long” term benefits or costs (how “long” is long-term, anyway).

(4) Another weakness of self-control theory Tittle detects in the “neglect of macro-level phenomena” that might influence the individuals’ level and exercise of self-control. He points to concepts like “collective efficacy” and “social disorganization” and suggests “that in any social context institutional infrastructures arise that have to do with the development of self-control and with cultivating shared values about the worth and importance of people desiring to exercise self-control” (p. 27). He also observes that communities (and I would add: countries) differ with respect to the “collective value placed on self-control”. Starting from such observations one might easily build up a bridge reaching over into various versions of anomie theory like the “institutionalized anomie theory” advanced by Messner and Rosenfeld (2007), and to such notions as the “marketizing” of society or the “winner-take-all society” (Frank and Cook 1995). I have recently presented some ideas and empirical observations which suggest that in post-industrial societies the growing weight of “disintegrative individualism” (over against “cooperative individualism”) seems to open up a widening gap between the rising level of self-control that is functionally required and
the corresponding deterioration of those structural conditions that would foster the development of self-control (Thome 2007b; Thome and Birkel 2007; see also Eisner 1997).

(5) Tittle identifies several assumptions that are foundational for self-control theories which he – rightly, I think – disputes. One of these assumptions is the dictum “that individuals have little personal agency in matters of constraint” (p. 41). “(T)he poorly self-controlled person is highly unlikely to conclude that suppression of violence is the right and moral thing to do and then act on that conclusion, and the highly self-controlled person is highly unlikely to decide that violence is advantageous and then use it to accomplish personal goals” (p. 42). Tittle points to statistical evidence on probabilities of arrest and conviction for known criminal acts to conclude “that most of the time perpetrators of crime, including those who commit acts of violence, escape legal penalties” (p. 43). By now a number of studies have become available showing that crime may indeed offer more than immediate gratifications (see, e.g., Morselli and Tremblay 2004). Tittle also points to white collar or corporate criminals as “prime examples of highly self-controlled people who use that self-control in illegal ways to promote their own ends” (Tittle, p. 43). And it is well known, of course, that many acts of killing are being done “cold bloodedly” after careful planning.

Despite of its manifold weaknesses Tittle is not prepared to dismiss Gottfredson and Hirschi’s self-control theory altogether, instead he wants to improve it by developing a more integrated theory that takes into account additional concepts and perspectives as indicated above. He points to numerous studies that provide evidence that “self-control is one of the best and most robust predictors of criminal behaviour available”, regardless of, among other things, the method used to measure self-control (cf. the meta-analysis by Pratt and Cullen 2000). This assessment is called into question by a recent study done by Bornewasser et al. (2007). First, the authors note that several ways of testing the (presumed) uni-dimensional quality of the (most widely used) Grasmick-scale (Grasmick at al. 1993) has lead to contradictory results. If the tests were based on Cronbach’s “alpha” (i.e., internal consistency) the results regularly supported the assumption of uni-dimensionality; if however confirmatory factor analyses were applied the results pointed to multi-dimensionality. In there own study

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3 In this context an observation reported by Messner and Rosenfeld might be of interest: “(C)onsiderable evidence indicates that so-called 'nonviolent' white-collar criminals kill and maim more people each year in the United States than do violent street criminals” (Messner and Rosenfeld 1997, p. 29). So, for example, some 30,000 deaths are reported to have resulted from unsafe or defective merchandise within one year.
Bornewasser and his collaborators separately measured each of the six “aspects” that went into the standard Grasmick-scale without pulling them together into a single scale. They also measured various forms of problematic or delinquent behaviour (self-reports) among various groups of young and older people. In a series of bivariate regression analyses they found that “risk-seeking” was the only predictor which in the majority of cases proved to be significant in the expected direction; others like impulsivity or self-centredness produced mixed results.\footnote{Since delinquent behaviour is typically measured as a count-variable which often takes on the value of 0, ordinary least squares methods may not be appropriate. Bornewasser et al. (2007) therefore use logistic regression and Poisson-models in their analyses. They assume that much of previous research in this field may have produced artefactual results stemming from inappropriate statistical methods used in analyzing the data.}

From a completely different angle, Bernd Marcus (2003; 2004) has criticized previous research on GTC for not recognizing or not taking serious enough the uni-dimensional and behavioural character of the concept of self-control. He emphasizes the distinction between a trait and some specific behaviour (Marcus 2004, p. 37) and, above all, between self-control as a trait of differential control (over universal impulses) and motivation (ibid, p. 39). For example, a preference for sensation or risk seeking (as already mentioned above) does not “mean” or indicate that there is a lack of controlling one’s impulses – some people like bungee-jumping, others don’t. Nevertheless, one “should expect sensation seeking and low self-control to be positively correlated in empirical investigations. This is simply the consequence of the fact that many activities, and most prominently criminal ones, are both thrilling and also promise immediate gratification at the expense of long-term negative consequences” (ibid, p. 40). Marcus maintains that “the idea of differential motivation as an explanation for crime is one that the authors of the GTC explicitly reject” (ibid., p. 40).

At this point I should like to return to the observation that opened up our discussion: Criminal behaviour as defined by law, in most instances, is also considered to be morally wrong. Apart from the legal or moral quality of a specific act commissioned in a specific situation, compliance to the law in general may be seen as a \textit{prima facie} moral requirement (unless a legal rule can be judged to contradict a moral principle). Morality may be introduced into an explanatory model designed to account for criminal or otherwise deviant behaviour in various ways: (1) as impact factor that influences behaviour \textit{in addition} (and independently) to self-control, (2) as a \textit{source} of self-control, (3) as a \textit{component} of an expanded concept of self-control.

\textit{Ad 1:} The first variant can be construed, e.g., in the following way: A person with low self-control and a desire to achieve or get something which he can obtain only by unlawful
behaviour may experience anticipatory guilt feelings that inhibit him to actually engage in such behaviour. Within a rational-choice framework anticipatory guilt feelings can be construed in terms of immediately payable costs that may outweigh any short-term gains one might expect to receive from some criminal act. A second interpretation might be that a morally committed person has developed a set of need-dispositions which, in general, render unlawful or immoral behaviour less attractive.

Ad 2: Morality not only gives direction to one’s conduct but may also help to strengthen self-control. Strong moral commitments entail an ongoing practice of reflective thinking about right or wrong-doing through which impulse control is routinely exercised and gradually shaped into a stable pattern of conduct.

Ad 3: One of the routes towards amending self-control theory might be no longer to limit “self-control” to a single analytical dimension (the propensity to consider or not to consider the long-term utilities of one’s conduct and act accordingly, i.e., ultimately the dichotomy of being rational or irrational), but to expand it (as implicitly suggested by Tittle) to a multi-dimensional notion of human agency. Starting from a critique of Elias’ conception of affect control (Thome 2001; 2004) and drawing upon a similar suggestion advanced by Eisner (1997) I have proposed to conceptualize self-control as the individual’s generalized capacity to respond adequately to certain functional requirements that he or she routinely has to face in everyday conduct: personal identities need to be expressed (a), long-range personal interests must be pursued (b), cooperative relationships (solidarities) must be preserved or built up (c), and none of these requirements must be fulfilled at the cost of neglecting the other (Thome and Birkel 2007; Thome 2007b). Along these lines, I propose a three-dimensional concept:

The first dimension would take up the idea of affect control: the capacity to control one’s impulses and emotions without suppressing them, allowing the person to express his or her feelings while taking into account the normative requirements encountered in a given situation. This might be called expressive competence. The second component is of a strategic nature: the capacity to use one’s personal abilities and the opportunities offered (and the constrictions imposed) by the situation to obtain one’s goals, including the capacity to evaluate immediately available rewards in their consequences for long-term objectives: this we might call strategic or instrumental competence (the dimension that is the sole focus in G. & H.’s theory). The third component or dimension refers to moral consciousness, the capacity and the willingness to balance one’s personal interest against those of others (and the larger community) while taking into account given social norms and, on a higher level of
competence, universal principles of moral conduct (principles that might contravene group-based norms). This involves the capacity for “role taking” (as sociologists like to call it) or “sympathetic empathy” (as psychologists put it). We might refer to this as normative or moral competence that comprises a motivational and a cognitive component, which however might be less congruously related to each other than Kohlberg has postulated (cf. Nunner-Winkler 2004 and section 2 below).

To the extent that this integrative capacity of attending to and balancing each of these functional requirements against the other two is lacking, the probability rises that the individual will resort to deviant behavior including criminal and violent acts. Durkheim’s pathological types of social organization (excessive individualism, anomie, and “fatalism”, i.e., oppressive over-regulation) refer to structural conditions that, in a given population, impede the development of sufficient measures of (integrative) self-control among a relevant number of persons. “Self-efficacy” is one of the concepts relevant here: it seems plausible that a person cannot acquire or maintain self-control independently from the measure of control she has over her social and natural environment. Along this line one may forge a link towards theories that concentrate on macro-structural or community characteristics relevant to deviant or criminal behavior.

Additional dimensions or further differentiations might be considered. For example, the expressive competence may be specifically directed (a) towards bringing forward unique aspects of one’s personal identity or (b) towards confirming one’s belonging to a certain group or collectivity. Both operations require sufficient language proficiencies including knowledge about the meaning of gestures and symbols and technical capabilities in handling them. It has often been observed that various forms of “analphabetism” were at the root of violent outbursts. The struggle to preserve or regain personal or collective identities that have become threatened is particularly prone to make people resort to means of violence.

“Wherever identities are at issue, violence is on the agenda” (Luhmann 1998, p. 797). The psychiatrist James Gilligan drawing upon twenty years of work with prison inmates contends: “I have yet to see a serious act of violence that was not provoked by the experience of feeling shamed or humiliated, disrespected and ridiculed” (quoted in Wilkinson et al. 1998, p. 589).

Gottfredson and Hirschi, in their concept of self-control, only attend to instrumental

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5 This assumption opens up the possibility to combine the concept of self-control with Tittle’s notion of “control balance” (Tittle 1995). One may also reconsider Turner’s assumptions about “real-self” constructions shifting from their anchorage in institutions to an anchorage in impulse.

rationality while they reduce the dimension of self-expression to lack of affect-control located on the negative pole of instrumental rationality. In a rather flimsy argumentation they expressly reject “conscience” as an explanatory concept. The decisive passage reads as follows: “The concept of conscience comes closer than criminality to self-control, and is harder to distinguish from it. Unfortunately, that concept has connotations of compulsion (to conformity) not, strictly speaking, consistent with a choice model (or with the operation of conscience). It does not seem to cover the behaviours analogous to crime that appear to be controlled by natural sanctions rather than social or moral sanctions, and in the end it typically refers to how people feel about their acts rather than to the likelihood that they will or will not commit them. Thus accidents and employment instability are not usually seen as produced by failures of conscience, and writers in the conscience tradition do not typically make the connection between moral and prudent behaviour. Finally, conscience is used primarily to summarize the results of learning via negative reinforcement, and even those favourably disposed to its use have little more to say about it.” I will try to say more about it in the following sections suggesting that conscience should supplement rather than supplant self-control.

2. Brief excursion into self-esteem, shame and guilt

In their article on “The Dark Side of High Self-Esteem” Baumeister et al. (1996) take issue with the “conventional wisdom” which regards low self-esteem as an important cause of violence. Based on an interdisciplinary review of evidence they arrive at the conclusion that it is not low but high self-esteem that fosters violence. “In contrast to the low self-esteem view, we propose that highly favourable self-appraisals are the ones most likely to lead to violence” (ibid., pp. 7-8). At first glance, this position seems to be irreconcilable with the observation that violence often is a means of gaining or regaining respect for one’s self (see the statement by James Gilligan quoted above). However, in the course of their argumentation the authors introduce a number of qualifications that render both positions compatible. The most important qualification is that it is not high self-esteem as such which causes violent acts, but rather: “the major cause of violence is high self-esteem combined with an ego-threat. When favourable views about oneself are questioned, contradicted, impugned, mocked, challenged or otherwise put in jeopardy, people may aggress. In particular, they will aggress against the source of the threat” (ibid., p. 8). If this source, i.e. the “evaluator” inflicting the
ego-threat, is not available or otherwise an unsuitable target “displacement may become comprehensible as a way of asserting superiority over someone else” (ibid., p. 11). The question that needs to be answered at this point is: Is it really the case that people with high self-esteem are more likely than people with low self-esteem to experience ego-threats and to use violence as a form of self-affirmation? Baumeister's answer may be read either as a conditioned "yes" or a qualified "no". The condition is that the positive self-appraisal is inflated, instable or insecure. In common parlance however (and also in psychodynamic theory, I assume) the latter two characteristics contradict the definition of high self-esteem. Of course, one might always propose definitions that depart from linguistic conventions and, in the present case, allow for high self-esteem to be instable or insecure. But this would change the logical status of the concept of self-esteem: it would no longer be conceived as a personality trait but as a fluid personality characteristic that takes on different “values” or appearances depending on the given situation, particularly the perceived self-esteem of other actors involved in it. One might still think that there is some average level of stability or sureness around which the actual level varies, but it would hardly have predictive power. Considering specific features of social environments Baumeister et al. point to the possibility that “conditions of scarcity” may transform the negotiations for gaining self-esteem into zero-sum games. In such circumstances, “gaining esteem requires taking it away from others. This analysis greatly expands the range of acts that can constitute a threat to others. If the amount of self-esteem is fixed, then positive claims by one person are sufficient to constitute a threat to others’” (ibid., p. 11). From here one could easily proceed and find theoretical connectives with various forms of structural anomie theory (Merton 1968; Messner and Rosenfeld 2007) and social analyses such as those offered by Fred Hirsch (1976) or Frank and Cook (1995): Where monetary success is a major source of self-esteem, what counts is not the amount of money one has earned but rather how many competitors one has left behind and how many of them are still running ahead of oneself (antagonistic competition). From this we can derive a general hypothesis: Structural anomie fosters precarious forms of self-esteem which in turn is conducive to violent crime (on the concept of structural anomie see Thome 2007b).7

Baumeister et al. (1996) also offer some brief but interesting remarks on the role of shame as one of various types of affect that mediate between ego-threat and aggressive or non-aggressive ways of coping with it. They find that “research on shame suggests on the one hand that this global feeling of being a despicable person often leads to a tendency to

7 In this context one would also need to clarify how self-esteem is related to “esteem” vs. “prestige” granted by others (cf. Jacobs and Beshady 1986).
withdraw or hide from others … On the other hand, there is evidence that shame-prone people tend to externalize blame and become angry and aggressive toward others” (p. 10). Shame and self-esteem seem to interact here: shame if coupled with high-self esteem more likely leads to aggression, if coupled with low-self esteem it is more likely to lead to withdrawal (see also Baumeister and Bushman 2003).

The antisocial potential of shame has also been emphasized in a review-article by Tangney (1995): “Across a range of studies, we have found that individuals prone to the ugly feeling of shame are also prone to feelings of outwardly directed anger and hostility” (ibid., p. 1140). Compared to shame, “guilt is the more adaptive response to the inevitable transgressions of everyday life” (ibid., p. 1136). This, according to Tangney, applies to both, the relationship one has with others and the way one looks at one’s self: “… results [from research] clearly indicate that proneness to shame is associated with an array of psychological symptoms, whereas proneness to shame-free guilt is essentially unrelated to psychological maladjustment” (ibid., p. 1141). This – once again – appears to contradict conventional wisdom. So we have to take a closer look at how “shame” and “guilt” have been conceptualized by Tangney (and others). Tangney draws upon a famous study by Helen Lewis (1971), also referred to, approvingly, by Baumeister et al. (1996). Lewis departs from the traditional notion that shame depends “on the public exposure of one’s frailty or failing, whereas guilt may be something that remains a secret with us, no one else knowing of our breach of social norms or of our responsibility for an immoral act” (Tagney 1995, p. 1133). Norbert Elias gives an example of this view by noting that shame arises if someone else acts in accordance with one’s own super-ego (Elias 1980, vol.2, pp. 397-8). Lewis, Tangney and perhaps the majority of contemporary psychologists in the USA propose a different criteria for discriminating between shame and guilt, in Lewis’ words: “The experience of shame is directly about the self, which is the focus of evaluation. In guilt, the self is not the central object of negative evaluation, but rather the thing done or undone is the focus. In guilt, the self is negatively evaluated in connection with something but is not itself the focus of the experience” (quoted from Tangney 1995, p. 1134). To support this view Tangney points to empirical evidence showing that “among both children and adults, shame and guilt were each most likely to be experienced in the presence of others, [and] ‘solitary’ shame was about as prevalent as ‘solitary’ guilt” (ibid., pp. 1133-34). On the other hand, he also observes that “shame experiences were more likely to involve a sense of exposure and a preoccupation with others’ opinions … whereas guilt experiences were more likely to involve a concern with one’s effect on others” (ibid., pp. 1135-36). This, after all, is not as far apart from traditional
interpretations as it seemed to be at first glance. Their may be cultural differences not only with respect to the dominance of shame or guilt proneness but also with respect to the semantic meaning of “shame” and “guilt”. The crucial question in our context is (first) to what extent does a person who violates moral rules (or other normative expectations) and in doing this hurts another person experience some form of negative affect toward oneself, and (second) do these emotions prompt him to engage in pro-social, reparative behaviour (whenever possible)\(^8\) or (third) do they induce him either to withdraw or to redirect the negative emotions away from the self outward into hostile, aggressive acts toward others? These questions seem to be particularly important in view of the assumption that in post-industrial (post-modern) societies mechanisms of shame rather than guilt come to the fore (see, e.g., Giddens 1991). Some further aspects of this problematic will be taken up in the next section.

3. Some reflections on the concept of “conscience”

Though conscience continues to be a legitimate concept or object of theoretical reflection within theology and philosophy this can hardly be said with regard to sociology. In psychology it is still used as a summary or topical term but it lacks independent analytical meaning, which has been captured instead by more technical terms like the super-ego or ego-ideal within psychoanalytic thinking or, most prominently, by the multi-dimensional concept of “moral consciousness” branching off into “moral judgement” and “moral motivation” which are both assumed – according to cognitive-developmental theory – to evolve over various stages of rising competence. In empirical research its conceptual richness has routinely been reduced to easily measurable notions of “moral attachment”, “moral beliefs” or “moral emotions” (like shame or guilt feelings).

The latest systematic treatment of conscience (“Gewissen”) offered by a renowned sociologist (that I am aware of) is to be found in an article by Niklas Luhmann published in 1973. Even though Luhmann in this article reclaims the functional importance of “conscience” as materializing in acts of imposing norms upon one’s self (“Selbst-Normierung”) - something required to preserve personal identity and sustain social interaction - he severs its conceptual ties with moral systems and moral obligations, and locates its sources primarily within one’s personal biography which is constantly being reconsidered under the premise of coherence.

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\(^8\) I would assume that the negative affect (be it called shame or guilt) is more likely to focus on the self (and not just the single act) the more severe the infliction of harm has been and the lower the chances are for repairing the damage.
and consistency in the face of demands emerging from one’s social environment. He wants to relegate conscience into the private sphere and warns that moral discourse is likely to be divisive and disturb the smooth operations of social (sub-)systems in a functionally differentiated society (see the discussion in Thome 2007a).

One may even think of such instances in which people were mutilated or killed because somebody (not necessarily a religious fundamentalist) had followed the calling of his conscience. A strong conscience based on strong commitments apparently does not guarantee peaceful behaviour. A person may be committed to values or ideals that justify the use of violence. But it seems rather inadequate to assume, e.g., that a religious fundamentalist, a right-wing extremist or a leftist guerrilla fighter would commit violent acts out of a lack of self-control.

In a similar vein, psychological literature often emphasizes behavioural or emotional mal-adjustments (pathologies) that may emanate from an overly suppressive conscience. For example, strong impulses that, over an extended period of time, remain suppressed by a strong super-ego may occasionally veer into violent aggression. Even apart from talking about pathological forms of conscience, its regulative functions have often been described as being above all inhibitory rather than enabling.

In philosophy and the history of thought we also encounter this kind of ambivalence or tension. On the one hand, “conscience” is conceived to be the guarantor of the individual’s autonomy and self-determination, on the other hand it is the representative (the “voice”) of some (internalized) authority imposing its will upon the person. Perhaps it is exactly this broad range of possibilities and meanings which render the concept of “conscience” a useful heuristic device. The social philosopher Rüdiger Safranski who did a study on the concept of „das Böse“ (the evil, the malignant) remarked in an interview that when thinking about this concept he sought to recharge our descriptive terms with the wealth of meaning that were, as he put it, to be found inside the facts of human life (DER SPIEGEL 52/1996). The concepts we use in scientific discourse, he said, were notoriously more trivial, more innocent (harmloser) than reality. I think that just like the idea of „evil“, „conscience“ too might be a concept (or quasi-concept) that opens up routes to deeper layers of self and identity.

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9 Though Luhmann’s „Selbst-Normierung“ is reminiscent of Kohlberg’s (and others’) notion of voluntary or volitional self-commitment (“Selbstbindung” in German), he (1) does not consider previous stages in the development of moral consciousness which the individual has to pass through in order to reach this upper level of self-commitment, and (2) he disregards the idea that self-commitment still is experienced as an obligation (to adhere to universalistic moral principles) implying “oughtness”.

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Turning to the cognitive-developmental approach in the study of moral consciousness (Piaget, Kohlberg and their followers) we find that the term “conscience” is being brought in mainly as a thematic label to direct attention to the connectives between perceptive reason (*Vernunft*, cognition) and motive forces arising from certain emotions and commitments. Various types of conscience are being set apart depending upon the manner in which reasoned judgment is combined with driving or merely concomitant emotions.\(^\text{10}\) The most famous distinction in this context is that between *heteronymous* and *autonomous* conscience. The first type is most prominently exemplified by the Freudian concept of the *super-ego*, conceived as an internalized authority outside the reach of self-reflective considerations that rigidly prescribes a certain course of action or non-action. By not following these prescriptions the person incurs severe punishment, the “warm glow” of his pangs of conscience. Anticipatory guilt feelings may direct the person not to follow his impulses (first-order desires) but to act in accordance with preordained rules. In contrast to this, a person who has advanced to the *autonomous* type of conscience is able reflectively to distance himself both from the pressure of his impulsive desires as well as from pre-ordained rules commanding specific actions or non-actions. Regard for underlying principles (second-order desires) replaces the literal and punctual obedience to rules. These universal moral principles enjoy intrinsic validity and are respected from reasoned insight in their legitimacy; morality and self appear to be inextricably intertwined.

According to this model of voluntary self-commitment, Nunner-Winkler explicitly contends that moral conduct is not motivated by emotions, neither by positive ones like sympathetic empathy nor by negative ones like anticipatory guilt feelings (Nunner-Winkler 2003, p. 5). By following her moral convictions the person maintains or enhances her self-esteem, violating them raises feelings of regret (rather than shame or guilt) and the desire to engage in reparative behaviour. It is acknowledged that this model applies only to persons who (already) have “moral identity” (ibid., p. 6), which in my view renders the argumentation somewhat circular.\(^\text{11}\)

Nunner-Winkler (2004) has summarized these ideas by constructing a typology of “conformity motives” based on a cross-classification of two analytical dimensions, called

\(^\text{10}\) In this section I heavily draw upon several papers by Gertrud Nunner-Winkler, in particular Nunner-Winkler (2004)

\(^\text{11}\) Based on empirical research, Nunner-Winkler (1999) reports that children gain moral insight before they experience feelings of shame or guilt. She interprets this result as supporting the assertion that moral feelings are not constitutive to morality. A lively discussion on these matters among more than two dozens philosophers, social scientists, theologians, and psychologists is to be found in *Erwägen, Wissen, Ethik (Deliberation, Knowledge, Ethics)*, Vol. 14/4 (2003). Psychoanalytic literature reports feelings of shame and guilt to appear as early as at the age of two years (see the review article by Hauser 2007).
„ego-syntony“ (1) and „morality“ (2). The first dimension refers to judgmental processes about the legitimacy of normative or, more specifically, moral rules: Are these judgments based on one’s own consciously reasoned insight and understanding of their validity, or do they follow from quasi automatic response habits or compulsively rigid super-ego controls. The second dimension refers to the content of the actor’s intentional state, his willingness to follow moral or rather non-moral rules or interests (see Table 1).

Insert Table 1 here

With reference to this typology several questions can be raised:

(1) Is there a historic evolution from low to high ego-syntony and from high to low commitment to moral rules?
(2) If yes, is there a causal nexus between these two processes? For example, does high ego-syntony on average lower the willingness to conform to moral rules if they contradict one’s own personal interests or impulses? (The more so, if „self-care“ is accepted as an element in the set of universalistic moral principles)

In a Durkheimian type of analysis one might interpret the upward movement on the first axis as the erosion of collectivism and the strengthening of individualism which has lowered the propensity to use violence in everyday interpersonal encounters (cf. Thome 2007b; Thome/Birkel 2007). The movement from left to right on the second axis could be interpreted (in our heuristic scheme) as the movement from moral or cooperative individualism to egoistic or disintegrative individualism which has once again increased the propensity to resort to violence.

(3) What are we to make of a morality not defined in terms of universalistic principles following, for example, Rawl’s or Kohlberg’s conceptions but defined in a more particularistic manner in terms of a specific religion or political ideology? Their presumed validity may also be based on self-conscious reflections and second order volitions. This would, contrary to Kohlberg’s assumptions, implicate that voluntary self-commitment (“Selbstbindung”) is not exclusively depending on the post-conventional level of moral judgment.12

(4) In which way or to what extent are these motivational types anchored in personality structures and how are they variously and fragmentarily applied to different social contexts

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12 Anton Leist (2003) even maintains that self-autonomy and universality are incongruously related to each other and that without bringing in non-individual elements self-commitment alone cannot assure compliance to moral norms.
and situations? A person does not consistently act according to the highest level of moral consciousness she, in principle, has achieved.

It is an empirical question whether or not the attachment to moral norms or principles is the only or major avenue to constitute an unitary image of one’s self-perception; it appears possible, or may even be the most regular case, that an attachment to other types of values outside the moral sphere (e.g. striving for professional excellence) serves this identity-constitutive function as well (cf. Nunner-Winkler 1985, p. 467, Blasi 1993a). This raises the question of how the different “value spheres” are related to each other and how they are ranked as criteria for choosing among alternative routes of action.\(^{13}\) Theoretically, according to philosophers like Kant or Habermas, moral criteria cannot be topped, they can only be dropped. One may decide not to follow a specific moral norm in a given situation, but this can be done only in one of two ways: either one applies a higher-order moral principle or one disregards or relegates morality into a lower-ranked position. For example, lying under specific circumstances may be morally justified by the higher-ranked moral principle not to inflict harm upon another person. But one may also lie in order to secure some financial gain at the cost of someone else. One may personally value economic well-being more than “being moral”, but this cannot be justified by applying a criterion inherently superior to moral principles. Rational-choice theorists, e.g., work with the assumption that moral principles are adhered to in “low-cost situations” only. This however would imply low moral motivation as the regular case.

Another perspective is taken by Mordecai Nisan (1986; 1993) in his conception of “moral balance” or Arturo Blasi’s interpretation of identity and self-betrayal (Blasi 1993b). Individuals differ in how they integrate within their own personal identities moral and non-moral orientations, concern and care for others as well as concern and care for one’s self. Typically, there is no fixed hierarchy regarding the precedence of moral or non-moral values which would apply to all the decisions involving conflicting values in any situation or set of circumstances the individual has to face. This even applies to persons whose self-identities are centred upon their moral convictions. People consciously or unconsciously construct

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\(^{13}\) Here one might consider Max Weber’s notion of different spheres of values outside morality: “… die Ethik (ist) nicht das Einzige, was auf der Welt ‘gilt’, … neben ihr (bestehen) andere Wertsphären, deren Werte unter Umständen nur der realisieren kann, welcher ethische ‘Schuld’ auf sich nimmt” (Weber 1973, p. 504). Roughly translated: Ethics is not the only thing that counts in this world … apart from this there are other spheres of value, the values of which may possibly be realized only by those who are prepared to burden themselves with ethical guilt.
“moral balances” based on their record of moral behaviour in the past and its likely continuation in the future. Depending on this record they might reach the conclusion that in a given situation one is justified to prioritise a non-moral value of self-interest (self-realization) without violating some minimal standard set for one’s personal moral balance.

As already indicated, there is some discussion among the experts as to the role of emotions relative to the role that self-reflective reasoning plays in such processes of decision-taking. Empirical evidence demonstrates that at least after the decision has been taken shame or guilt feelings may arise in both instances of “self-betrayal”: in cases where the non-moral value has been satisfied at the cost of the moral value, but also in such cases where the moral value has been given priority over the non-moral value (as long as the non-moral value too is constitutive to the self). Apart from situations where moral and non-moral values oppose each other, there are other situations where one moral domain (e.g. caring for one’s family) is in conflict with yet another moral domain (e.g. engaging in a time-consuming political struggle against ethnic discrimination). And here again, even though the person may be certain that the decision she has taken is indeed the intrinsically correct one, she might still experience guilt feelings because she (necessarily) had to neglect the other (moral) concern (Edelstein and Nunner-Winkler 1993, p. 13). This demonstrates that an autonomous conscience does not rule out feelings of shame or guilt.

Some philosophers and social scientists (like Charles Taylor, Martin Seel, Hans Joas) present yet another model of moral commitment which departs from the dichotomy of autonomous vs. heteronymous conscience by re-constructing a type of conscience that is rooted in the experience of self-transcendence. Such an experience does not need to be of a religious nature, but it has probably been elaborated most extensively within this context. A good example is given by Paul Ricoeur (1996) in his reflections on “theonomie” (cf. Joas 2004): those who believe in God and are imbued with and empowered by the spirit of divine love (based on their own experiences) are strongly motivated (without feeling pressured into it) to transmit this love into their encounters with other people. Acting in this way is not a “duty” but an inclination linked to an external reference, to something thought to be greater than oneself (Taylor). (Again, we have to keep in mind that experiences of self-transcendence do not always point into the direction of love and peace).

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14 This might be interpreted within the scheme of cognitive-dissonance theory.
15 Baumeister et al. (1996, p. 372) even observe: „The massive threats to human welfare stem mainly from deliberate acts of principle rather than from unrestrained acts of impulse.“
Nunner Winkler (2004) assumes that social changes during the last decades have opened up better chances for individuals to advance to the autonomous type of conscience. But she also notes a risk in that: conformity based on high ego-syntony appears to be somewhat fragile. The self-administered translation of moral principles into specific norms and concrete behaviour leaves ample room for interpretations tacitly shaped by one’s own personal interests. There is a risk „dass mit einer zunehmend ich-naheren Verfügbarkeit der moralischen Konformitätssbereitschaft auch ehemem zuverlässige Barrieren gegen die Amoral geschleift werden. Schließlich ist oft nur ein schmaler Grat zwischen situativ angemessener Flexibilität und schierem Opportunismus, denn - wie Luhmann anmerkt - „gute Gründe gibt es viele““ (Nunner-Winkler 2000, p. 239). That is, there is only a tenuous barrier separating adequate “flexibility” in the face of specific circumstances present in a given situation and, on the other side, blinkered opportunism guided by selfish interests. This is reminiscent of Bandura’s theory of “moral disengagement” (Bandura et al. 1996) and the criminological theory of “techniques of neutralization” (for a recent review of the literature see Maruna and Copes 2005).

4. Brief outline of a research project

The project that I am planning to carry out addresses the (sociological) questions of how and in what situations „conscience“ expresses itself in everyday life, and what are the functions – or dys-functions – it may serve with regard not only to one’s personal identity, but also with regard to social intercourse. The list of more specific questions includes the following:

1. For which issues and in which situations is conscience relevant? If questions of conscience concern moral obligations and personal identity, then it is obvious that not every instance of misbehaviour involves conscience. With regard to social systems too, as Luhmann repeatedly points out, there is a danger that the notion of conscience will dysfunctionally occupy more space than it warrants. In this context it would be interesting to find out, in the course of the interviews I am planning to carry out, how moral reflexivity works in practice, how for example “tact” debar people from “moralising” an issue which they themselves consider morally relevant. If a person realizes that his moral arguments are condisidered to be inappropriate by others, does this insight arouse feelings of shame?
How and to what extent the individual assumes personal responsibility also depends on how clearly or not certain symbolic domains are marked and differentiated from each other within a culture, for example the distinction between value ideas (to which one can subscribe) and the actions whereby these are put into practice (or fail to be put into practice); or the distinction between the authentic (or “real”) self and the roles that one plays (e.g., Turner 1976); or the distinction between the “inevitability” and “intentionality” of an individual’s actions (Wuthnow 1987, p. 77).16

2. The second set of questions concerns the standards by which behaviour is measured retrospectively or prospectively with respect to conscience. What are such standards based on? Is their binding or obligatory character ascribed to or derived from an external source of legitimation, e.g., God, nature, reason, society’s moral order or a revelatory experience? When does a feeling of personal obligation in a specific situation exceed or even contradict the requirements of legal or moral norms generally perceived to be valid and how does decision-making proceed in such a situation?

3. A further question concerns what other categories of motivation for action (e.g. economic interests) typically compete with moral considerations or other kinds of self-imposed norms or commitments. How are considerations of (1) morality, (2) non-moral but identity-constitutive values, and (3) economic utility or other forms of instrumental self-interest ranked or rendered compatible, e.g., in the production and acquisition of collective goods (like maintaining social order or preserving our natural environment)? In a broader utility calculation does one’s conscience (and the emotions related to it) become just another factor in cost-benefit calculations? Luhmann (1970, p. 20) believes “that a person . . . taken as a whole, not infrequently tends to be motivated against his or her conscience.”

4. In considerations of conscience, particularly when it comes to dealing with feelings of guilt, how much importance does the facticity of an action have vis-a-vis the motive (intention behind the action)? The notion of “negligence” (Fahrlässigkeit, carelessness) points to a more general problem concerning the identification of motives. How sure can the actor be about what his or her own motives are, and does uncertainty about motives have an effect on how conscience functions? (This may, e.g., open the door for neutralization techniques)

16 Recent socio-structural developments, in particular those subsumed under the heading of “attention economy”, point in a direction where the symbolic or semantic differentiations required to develop and sustain moral commitment tend to get blurred.
5. How and with whom do people communicate about their personal experience of conscience, and how are the resulting affects dealt with? If Luhmann’s thesis of an increasing privatization of conscience, coupled with the thesis of moral reflexivity, is correct, then it is to be expected that the personal experience of conscience can only be communicated to a very limited extent. The first written surveys that I did of university students seemed to confirm this. People are obviously very reticent about talking about their own conscience to other people, even friends. Apparently the stirrings of conscience occasionally cause people to feel shame (see Scheff 1995). This could mean that conscience not only as a justification for action but also as a motive for communication is increasingly losing legitimacy, and not only in cases when it finds itself at odds with prevailing law. As indicated before, the contingencies and mutually contradictory meanings produced by functionally differentiated societies make the individual self-imposition of norms necessary. On the other hand, the experience of contingency may become so powerful that – particularly in the context of the increasing marketization of society and the instrumentalized thinking that goes hand in hand with this – it may block or indeed repudiate processes of self-imposed commitments or obligations. Empirical findings (see Nunner-Winkler et al. 2006) about the separation of moral consciousness (in the sense of a cognitive perception of what is imperative) from moral motivation (acting accordingly) support this supposition.

I intend to pursue these questions with different groups of protagonists. The first one will be a group of adult prison inmates that have been incarcerated for acts of serious violent crime (like murder). The second one should be a control group of ordinary citizens that match the group of perpetrators with respect to demographic characteristics and social status origins but with no criminal record at all. The third group should be comprised of people with similar distributional properties as the second one with the additional characteristic of being engaged in voluntary social work.

Inflicting serious bodily harm, in most but not in all cases, appears to be proof that conscience has failed or was (pathologically?) absent in such instances, or that the offender was overwhelmed by some emotion, or that he had strong non-moral commitments, or that he used a neutralization-technique making the violent act appear justified or harmless. I want to understand better, when and under what conditions one of these manifold possibilities comes to be realized and what kind of retrospective account offenders give of their acts. These retrospective reports and evaluations should not only reveal the structure of the offender’s
moral thinking, their sense of obligations, commitments and aspirations, and how they have evolved in the course of their personal life history. They should also convey some information about the social context and external structural conditions which have shaped the actor’s interpretations and conduct. I also expect that some of the offenders may not be able to experience moral emotions at all, which is usually interpreted as an indicator of psychopathology (cf. Hare 1993).

An interesting study applying Kohlberg’s concepts and techniques has been presented by Stefan Weyers (2004). He worked with juvenile prison inmates who had been convicted for various offenses including the use of violence. Weyers arrives at the conclusion that in his sample of offenders moral judgments had been of little import along the routes leading to delinquent acts. The young perpetrators that he interviewed generally understood and accepted as righteous the moral norms forbidding the acts they had committed. So there was no (or little) „lack of moral sense“, but a hiatus between insight and motivation that opened up in a given situation when diverse needs and objectives had to be weighted in terms of their desirability and availability (cf. the notions of moral disengagement or neutralization techniques mentioned above). Weyers points to another study in which Lind (2000) arrives at the opposite conclusion maintaining that juvenile delinquents generally did have a lower degree of cognitive capacities than non-delinquents. The adult perpetrators that I intend to work with may exhibit patterns of moral reasoning and motivation (including patterns of moral disengagement) that differ from those typical of juvenile offenders who are still in their formative years.

Though my primary interest is to learn something about the ways in which conscience may develop and operate I also hope to learn more about the larger social-structural conditions that shape individual conscience and its control capacities. That is, I will pay specific attention to the question of how properties of the societal macro-structure, like those fitting the pattern of structural or institutionalized anomie (cf. Merton 1968, Messner and Rosenfeld 2007) will work their way into the definitions of situation in various social contexts, and how they govern the selection among behavioural options (including violent crime) and available resources and, finally, shape the accounts given by the individual person.

References


Marcus, B. (2003). An empirical examination of the construct validity of two alternative self-


Table 1: Nunner-Winkler’s Typology of Conformity Motives

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<thead>
<tr>
<th>morality</th>
<th>High</th>
<th>low</th>
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<td>ego-syntony</td>
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<td>high</td>
<td>(1) a) Respect for the moral law</td>
<td>(2) a) Orientation toward</td>
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Abstract

Until quite recently many criminologists have followed Gottfredson and Hirschi’s verdict on the uselessness of conscience as an explanatory concept within criminological theory. The present paper challenges this assessment and explores, in various ways, the analytical potential of this concept not only for the explanation of (violent) crime but also for shedding light on other aspects of social practice and exchange. It proposes the expansion of self-control into a multi-dimensional concept that comprises different functions of human agency related to the requirement of (a) expressing one’s personal identity, (b) securing long-range personal interests and (c) maintaining cooperative relationships (solidarities) with others. The paper also discusses specific aspects of related concepts like self-esteem, shame and guilt. Finally it outlines a research project designed to study different forms and functions of conscience among different groups of individuals including prison inmates.