



# Moral Guilt, Dirty Hands Dilemmas, and the Dark Ghetto

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## Abstract

The non-ideal conditions of the dark ghetto can force residents into dirty hands dilemmas: dilemmas in which a moral agent must weigh between two courses of action that are both wrong but not equally wrong. For instance, one might have to decide between stealing and survival. The moral remainder of having done such acts invokes feelings of guilt, shame, or regret within the moral agent who has committed the infraction, even if it was the right thing to do all things considered. Philosophers such as John Rawls, Tommie Shelby, Allan Gibbard, Bernard Williams, and Patricia Greenspan have analyzed theories of justice, political philosophy, morality, moral emotions, and moral dilemmas. However, it has not yet been researched how moral remainder, specifically moral guilt, from dirty hands dilemmas are experienced by residents of the dark ghetto. Given that deontology, or duty ethics, is an ethical system that validates dirty hands dilemmas as genuine cases, a deontological approach is used to argue that guilt is appropriate for agents who emerge from dirty hands dilemmas having done things that are usually considered wrong.

*Keywords:* moral guilt, dirty hands dilemmas, dark ghetto, non-ideal

## Introduction

The moral landscape of what philosopher and African American studies professor Tommie Shelby terms “dark ghettos,” is complex (Shelby, 2007). Shelby uses the term “dark ghetto” as “generally understood to be (1) predominantly black, (2) urban neighborhoods, (3) with high concentrations of poverty” (Shelby, 2008, p. 134). This is an evolution of the word “ghetto” in postwar America from Jewish communities to Black and Brown communities through the civil rights movement, as reported by Kenneth B. Clarke (1967). The moral complexity of these “dark ghettos” arises, according to Shelby, because the non-ideal circumstances that characterize them can force residents into dirty hands dilemmas. Philosophers Jaime Ahlberg (2017), Thomas Nagel (1978), Michael Stocker (1992), Michael Walzer (1973), and Bernard Williams (1978) investigate that these are situations in which agents are forced to choose between two morally wrong acts where one act is morally worse than the other. Under deontology, an ethical

framework that determines right and wrong based on rules or clear principles of actions, moral guilt serves as a moral remainder in dilemmas where moral agents must dirty their hands. To illustrate a dirty hands dilemma in a dark ghetto setting I will provide my own case, the case of Rachel, featuring a Black mother who is forced to choose between stealing formula from a local Walmart or allowing her child to go hungry. Using this case I will argue that moral guilt is an appropriate response to participating in a dirty hands dilemma, even in cases where the moral agent has not committed a wrong action or an act for which she can be blamed. In doing so, it will be discussed why it can be appropriate for people to feel guilty when they break norms out of necessity and objections will be addressed through a comparison of an alternative case.

### **The Dark Ghetto as a Non-Ideal World**

Shelby's account (2007) of the dark ghetto, as subsequent theorists like Ahlberg (2017) would support, responds not just to the poverty of people in these communities, but to the attendant inequalities that disproportionately affect these communities that live through various nonideal circumstances which create an unjust, or non-ideal society. (Shelby, 2007). According to the United States Department of Agriculture, "food deserts" are defined as "low-income tracts in which a substantial number or proportion of the population has low access to supermarkets or large grocery stores," and have identified 6,529 census tracts that met this definition of food desert, with 4,175 of them being urban (Dutko et al., 2012, pp. 5-6). Additionally, public education in dark ghettos is underfunded from systematic measures that allow K-12 educational resources to vary between neighborhoods based on district income and funding, creating significant inequity in urban poor neighborhoods (Shelby, 2007). There are also limited employment opportunities for residents to support themselves with less positions available than applicants, allowing for employers to be selective; any available jobs are typically low-paying and have little opportunity for promotion (Shelby, 2007). Shelby (2007) theorizes that the lack of employment options for legitimate income leads people in these communities to often seek income through illegitimate means, such as theft and illegal businesses, as a direct result of material deprivation, resulting in increased drug trafficking and aggressive policing efforts to incarcerate drug traffickers or users. Studies addressing drug addiction cite poverty as a risk factor associated with drug abuse (Pear et al., 2018). Further, Shelby (2007) argues that great social inequality and differences in accessibility to opportunities lead to a perpetuation of

impoverished circumstances through increased difficulty in changing legal policy, given that “superior material assets and educational opportunities will often be tickets to political power” (p. 133). It is in this sense that the dark ghettos of the United States are non-ideal: the background conditions that characterize them would not exist in a fully just society.

The non-ideal circumstances of the dark ghetto—the poverty, lack of educational opportunity, limited access to quality food, subjection to police violence, and unsafe neighborhoods—pose a critical threat to the security of basic liberties and equality of opportunity for its residents, who experience little maneuverability to escape their circumstances or change them through democratic means. Residents are expected to follow the law despite governing institutions not protecting their basic liberties, so there is a fundamental absence of reciprocity between themselves and the wider society in which they live.

In response, Shelby has argued from a Rawlsian framework of justice as fairness that the demand for the urban poor to work through legitimate means is incompatible with an equal claim of citizenship where all citizens carry a fair share of the burden to maintain the system of cooperative society (2007). Therefore, crimes related to refusal or inability to work legitimately and having contempt for authority are mitigated for dark ghetto residents. Shelby posits that residents of the dark ghetto should not feel responsible for crimes related to their refusal or inability to work legitimately, or contempt for authority. However, in the years since 2007, surveys of these communities (LaVigne et al., 2017) suggest that while majorities have little trust in the fairness of policing, many, if not most, of the residents within these communities still continue to regard the laws themselves as just and regard any infraction, even necessary ones, as moral wrongs. Moral residue itself is the remaining moral badness that persists in cases where a moral agent has done a moral wrong and may experience guilt. Shelby’s argument for mitigation of civic obligation is problematic because he does not account for the harm caused by participation in nonviolent crimes and corresponding guilt. My deviation from Shelby’s argument considers moral residue as not being addressed through the mitigation of civic obligation in nonviolent crimes, a problem that can be addressed in the evaluation of the appropriateness of moral remainder. For instance, it can be considered that playing a role in continual non-ideal conditions in the dark ghetto could reasonably lead to guilty feelings that one has harmed an already-suffering community he or she is a part of. Thus, I will argue that moral guilt is an appropriate response to participating in a dirty hands dilemma.

## Moral Guilt

Patricia Greenspan (1995) in *Practical Guilt: Moral Guilt, Emotions, and Social Norms*, provides an account of moral emotions according to which they contain aspects of our moral beliefs. In Greenspan's account, emotions are themselves reasons for action since they contain feelings of pleasantness or unpleasantness that amount to reasons for sustaining or changing one's present state. In moral terms, emotions are related to one's moral actions or beliefs, and since they are action-guiding forces, they play a role in moral decision-making. Guilt's ability to have a moral agent reflect on his or her actions with moral judgment makes guilt a unique moral emotion. Randolph Clarke (2016) identifies that guilt has at least two aspects: the affective aspect, the sentimental or emotional component, and the cognitive aspect, the thought without the belief that one is truly blameworthy for something. The affective aspect would be the feeling of discomfort or negativity that surrounds the emotion while the cognitive aspect would be the accompanying thoughts to those feelings of discomfort. The unpleasant effect, or the affective aspect, would continue to be present in the thought process of considering oneself to be blameworthy for an action, if even later rejected or justified, making the thought of the feeling of guilt, or the cognitive aspect, warranted. Additionally, I identify a third component, which I will refer to as the underlying anxiety behind guilt, which acts as a compelling force that motivates action.

Allan Gibbard (1990) and Bernard Williams (1973) discuss the semantics of moral emotions and they both indicate that guilt is an emotion present when one commits a wrong action. Williams (1973) discusses guilt as related to practical action and how it serves as a motivational force, yet simultaneously, guilt is something that we are subjected to in a passive sense, or in a way that happens to us. In addition, Gibbard (1990) defines guilt as the first-person counterpart to anger, noting that both involve upset feelings in combination with a judgment of wrongdoing, with anger being directed at others and guilt at oneself. Gibbard (1990) also discusses full and impartial engagement as separating a person's feelings, which will not often be impartially and fully engaged, from special standpoints of anger or guilt. From these definitions, I find anxiety to be the underlying force of both anger and guilt, where anxiety is a force that creates anticipation. In the case of guilt, underlying anxiety can explain the motivational force to action while also being passively experienced. My account of guilt follows Greenspan's (1995) broad view that the thought of having committed wrongdoing, whether the thought is warranted, is a sufficient

condition to produce the anxiety that underlies self-directed anger or guilt. Anxiety, in my account, allows the moral agent to coordinate one's feelings with the feelings of others because it provides a layer of awareness of one's qualities and actions that are not fully engaged by emotions alone, even if emotions can be reasons for actions themselves. As Gibbard (1990) supports, the moral standpoint of guilt is one that is full of engagement of a moral agent from which I argue that underlying anxiety would allow one to evaluate one's position in the world and direct the motivational force of action.

The components of guilt appear in similar emotions, like shame, regret, and remorse; self-focused emotions which play a role in moral decision-making. Since ethical situations and dilemmas involve other people, the moral emotion that would accommodate deontology would be one that concerns itself with moral standards and the welfare of others. Compelling evidence exists that moral emotions play a role in ethical decision-making, and that guilt, as an interpersonal emotion, experiences the most pressure to make reparative action, or amends, for one's acts (Higgs et al., 2020). Therefore, guilt can be seen as regarding judgment towards action while shame and similar emotions focus on the judgment of one's character, or virtue ethics. As Greenspan (1995) reports on the Rawlsian view of guilt, moral guilt is "an agent's concern for the welfare of others as opposed to his own state of moral perfection" with the latter being more in line with shame (p. 127). Rawls (1971) states that one feels shame because a moral agent's action has failed to exhibit his or her good character traits and is accompanied by loss of self-worth, while guilt is more clearly related to relations with other's and one's sense of justice (p. 391). From the first-person perspective, guilty feelings can therefore be seen to motivate action, in making amends, while shame tends to be counterintuitive to ethical action because of its way of supporting withdrawal or avoidance.

### **Dirty Hands Dilemmas**

Dirty hands dilemmas are moral dilemmas where a moral agent is forced to choose between two morally wrong actions that are unequally wrong. In other words, one morally wrong action is less wrong than the other, and the morally wrong action that is less wrong is the correct course of action for the moral agent to undertake. However, under the deontological ethical system, like in utilitarianism, a moral wrong is measured through the quality of the action and not through a quantitative measurement. Therefore, a morally wrong action is still considered wrong, no matter

how less or more wrong, posing a problem for mitigating moral wrongness in dirty hands dilemmas. The measurement of moral wrongness and rightness that I adhere to is a contractualist moral code, supported by Rawls and Shelby, which is a deontological framework of morality. Using Rawlsian contractualism, or social contract theory, what is right is based on actions that regard oneself as well as respect for others in the form of mutual respect, which serves as the basis for reasonable agreement between societal members. Within my outlined ethical framework, dirty hands dilemmas contain acts that all would reasonably reject but cannot be rejected in totality, as in, they would not be accepted if applied universally, even if there are circumstances where the rejected act is the right thing to do.

In “Dirty Hands and Ordinary Life”, Michael Stocker (1992) states that the contradiction of dirty hands dilemmas arises because they contain non-action-guiding oughts. A non-action-guiding ought is a statement that does not represent advice to the moral agent (Stocker, 1992). Since the purpose of ought statements is to guide moral agents’ actions, an ought statement that cannot guide action because it contains moral wrongness, yet is morally justified or even obligatory, creates a conflict of values within the moral agent. Without standard action-guiding evaluations working in the case of dirty hands dilemmas, the senses are overwhelmed, and moral agents are left with a moral stain; a term used by Andrew T. Ingram to explain a view of guilt accounts for an agent’s practical identity as constructed by one’s actions (2017). This moral stain is a disfigurement of one’s being that comes from committing an act one cannot typically morally support.

Moral guilt serves as a motivational force that normally guides us to action. However, this sentiment is met with frustration in the non-action-guiding feature of dirty hands dilemmas. Because a moral agent is required to violate the motivational force that compels her to do the right thing, a force that is explained through the sentiment or emotions of the moral agent presented with the dilemma, there is a moral remainder that contains the associated negative affective aspects, along with their cognitive counterparts. Put another way, guilt fulfills the role of the moral remainder for dirty hands dilemmas because of the way the agents subjected to them judge their actions and experience accompanying discomfort.

### **Stealing at a Walmart: The Case of Rachel**

Hypothetical cases are often used in moral philosophy papers to illustrate an author's argument. In this paper, the case provided is that of Rachel, a Black woman who resides in a dark ghetto, as formulated by Shelby. Rachel has recently given birth and struggles financially without support from relatives. Since infants require frequent feedings only hours apart from each other to assure health and well-being, she is in constant need of formula for her baby but finds herself without any. Rachel travels to her local Walmart in search of formula but is disheartened to find that she cannot afford the price. Rachel's background as a Black woman threatens her ability to garner sympathy for her plight. Sexist conservative opinions of chastity combine with racist assumptions of sexual promiscuity, where Rachel's intersected identity as an impoverished Black mother would be subject to scrutiny, rather than sympathy (Crenshaw, 1989). With her child in her arms and no support or alternatives, Rachel faces the dilemma of having to choose between having her child go hungry or committing the illegal act of stealing the tub of formula.

This dirty hands dilemma induces psychological sanction for Rachel in the form of discomfort about having to steal as well as anxiety regarding risk of punishment if caught stealing. Given the disproportionately high level of police surveillance and racial profiling that occurs in dark ghetto neighborhoods, Rachel's risk is high that she will be punished by police; a criminal record would threaten Rachel's ability to provide for her child through legitimate means and her custody over her child, a morally catastrophic sanction (Shelby, 2007). Chain stores like Walmart already take counteractive measures against stealing, locking up expensive items, such as electronics and baby formula. However, locking up baby formula also indicates that even though those who may aim to steal baby formula may be desperate parents, store companies and employees are more concerned with the protection of their products rather than the needs of poor citizens in non-ideal circumstances, particularly in areas where crime rates are higher. Shelby (2007) would describe this stigma that dark ghetto residents experience, where they may be more likely to be perceived as potential criminals rather than paying customers in a statement that "the ghetto poor have compelling reasons to think that they are not being treated as equal citizens," supporting their contempt for authority and leading to justified nonviolent theft (p. 155). In Rachel's case, the Walmart in her neighborhood has baby formula out on display and not locked up. Ultimately, Rachel finds that ensuring her child is fed is the more immediate need, and she

takes the risk of performing a criminal act by watching out for any onlookers, hiding the tub in her belongings, and exiting the store swiftly, without paying.

Rachel experiences guilt as a form of self-punishment as she finds it difficult to not comply with the action-guiding social norm that her moral education has taught her as right—not stealing. She knows that removing an object from its rightful owner causes disrespect because of the cost it incurs. In this case, she did not allow the formula to be rightfully purchased or to remain on the shelf until a customer could fairly purchase it, a customer who would similarly use it to feed an infant. Lawful paying customers merit equal opportunity to items on the shelf without fear of their resources being depleted due to illegal, although nonviolent, criminal activity. Research in the psychology of punishment indicates that people are motivated to carry out punishment where wrongdoers violate social norms as a way of restoring balance to justice and that punishment should be proportionate to the extent of the crime committed, yet the same research also indicates extenuating circumstances may mitigate moral outrage felt by citizens and the magnitude for punishment (Carlsmith & Darley, 2002). However, even if Rachel’s civic and moral obligations are mitigated in her predicament, she would continue to experience the need for reparative action, or guilt, which would be her way of punishing herself in the absence of legal or societal punishment.

In the case of Rachel, her actions were not desirable or would not be intended if the conditions were ideal. It ought not be the case that Rachel ought to steal, but it is the case that she *must* feed her child. Therefore, in a non-ideal world, she would have to act within the allotted choices to feed her child and cannot be blamed for any wrongdoing, even if there is moral residue. Rachel’s action carries an asymmetry of guilt/blame, feeling guilty about having to steal to feed her baby but without the blame because of the circumstances that were beyond Rachel’s control. In a word, she suffers from bad what Bernard Williams refers to as moral luck (1982). Still, experiencing guilt is an appropriate response to committing an action that violates the moral principles of the moral agent.

### **Objection**

Since Rachel has not committed wrongdoing for which she can be blamed, one might think it does not follow that she should feel guilty. Consider another case where a different Black mother from the same neighborhood as Rachel, named Analise, who without compunction steals the tub



of formula for her baby. She may not have entered Walmart with the premeditated notion of stealing, but upon discovering that she did not have sufficient funds, she steals without remorse or guilt. Similar to Rachel's case, Analise is financially struggling and does not have support from family or community. She knew that it would be wrong to steal under normal circumstances and would similarly not steal if circumstances were ideal, but the need to feed her child outweighed the wrongness of stealing. Having done the correct course of action all-things-considered, she does not experience feelings or thoughts of guilt. In contrast to Rachel, Analise has more contempt for authority, and she consciously justifies her actions and does not experience self-consciousness where she is concerned for the welfare of others, unlike Rachel. One might think that Analise has the appropriate moral response because it would not be reasonable for her to undergo emotional self-punishment for actions that cannot be found blameworthy. Further, moral guilt may hinder Analise's ability to commit the right course of action.

Without guilt, the dirty hands dilemma changes into a situation that may not even be deemed a moral dilemma. What is presented through a situation where the moral agent, or Analise, does not feel guilt compared to the moral agent that does feel guilt, Rachel, is that Analise is apathetic about the morally wrong action that is disregarded for the other. I do not find that apathy is encompassed by the mitigation of non-violent crimes because it would not fall in line with Rawlsian contractualism. On Shelby's interpretation of Rawls, mutual regard for oneself and others is the fundamental condition for dirty hands dilemmas in communities like the dark ghetto, where there should be discomfort in a moral agent having to choose between self-preservation and respect for others' property (2007). The risk of the hindrance of action because of guilt does not remove the necessity for there to be moral remainder when participating in dirty hands dilemmas. Although one cannot fault mothers for choosing to steal to feed their babies, I argue that guilt is an appropriate moral remainder because it preserves moral goodness in morally wrong acts, even if justified by non-ideal circumstances.

### **Conclusion**

Although dirty hands dilemmas are challenging to fit within deontology, this ethical framework best depicts the conflicts that are experienced by residents in the dark ghetto, who may have to commit illegal acts out of necessity. In illustrating a situation where a mother is

forced to choose between stealing formula or letting her baby go hungry, I support my argument that guilt is still an appropriate response for the moral agent, even if she is blameless of moral wrong. My research validates the role of moral guilt as a moral remainder in dirty hands dilemmas, making a case for the role of emotions in deontological ethics. Further research in morality and meta-ethics can be used to demonstrate the method by which emotions can be incorporated into a deontological ethical framework.

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