

# The Social Conditions Supporting The Examined Life

Dr Peter Saul

In the winter 2012 issue of "Living Ethics" Sarah Macdonald encouraged us all to live honestly and open our emotional and ethical closets to public gaze. She referred to the angst being caused for Craig Thomson and Peter Slipper because they had apparently not been open about their past actions. One might now also add that Julia Gillard is in the media spotlight because of questions being raised about her actions while a partner at the law firm Slater & Gordon some 17 years ago.

These cases of public judgement being made of a person's past actions and of the implications of those actions for the current moral and ethical standing of the person concerned raise for me the question of the standards and process that a society should apply in evaluating the "goodness", and the possible guilt or innocence of a person and the social conditions that we should all help to put in place in order to support greater openness in how we live our lives.

As a starting point for considering this issue, one might contrast the Catholic Church's moral framework of sin and forgiveness with secular legal systems of crime and punishment. In the former, a person's sins that are declared and repented in the privacy of the confessional are to be forgiven whereas, under criminal law, crimes are to be publicly punished no matter how long ago they were committed and no matter how the perpetrator has lived their life since the time of the crime (although evidence of genuine contrition and self-rehabilitation does generally reduce the severity of any punishment handed down).

So, how do we want our society to balance the dispensing of forgiveness and punishment? And, to what extent do we want our judgement to take into account circumstances where the person has clearly learned from the consequences of their actions and consciously chosen to live an honourable life in part to make up for the hurt done to others (and possibly themselves) by their earlier way of living?

It is hard to see what society gains by the application of formal or public punishment or opprobrium to a person who has already punished themselves for something they have done in their past (especially in their youth) and who has decided to "make up" for what they did by the way they live from then on. Our legal punishment system rarely creates outcomes as positive as a wholeheartedly transformed life lived according to social values and ethical standards that reflect genuine contrition for one's past actions and visible commitment to now living a good life. After all, do we not often learn what is right and good partly by our direct experience of their opposites? Christian teachings may be recognising this when they say: "He that is without sin among you, let him cast the first stone".

Sarah Macdonald gives several examples in her Living Ethics article of people who continue to live lives of "gross hypocrisy" and who rationalise continuing inconsistencies between their espoused values and their actions. However, she does not consider the difference between a person who feels no sense of guilt or remorse for hurtful or unethical or illegal actions (except perhaps when they are caught out) and a person who has lived honourably

for years since a past transgression of society's current moral or legal code. Nor does she consider that social values change over time and behaviour that may have appeared at one time (and in one context) to be acceptable may subsequently be judged by others who hold a very different set of standards. We may currently be seeing this situation playing out in relation to the actions of former heroes of the Western world's financial systems who are now seen as greedy and self-serving if not downright unscrupulous.

The second issue Sarah Macdonald's article raises for me relates to the social conditions that we should strive to put in place to foster greater openness in how we live our lives. Alcoholics are supported in acknowledging their affliction by the supportive networks and "12 steps" established by AA. Gays and lesbians are now more adequately supported in "coming out" with their sexual preferences by a generally more tolerant social and legal context for this issue. South Africa's Truth and Reconciliation Commission provided a supportive context for dealing with the aftermath of apartheid and building a new South Africa. As the Commission states in its report:

"We have been concerned, too, that many consider only one aspect of justice. Certainly, amnesty cannot be viewed as justice if we think of justice only as retributive and punitive in nature. We believe, however, that there is another kind of justice - a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships - with healing, harmony and reconciliation. Such justice focuses on the experience of victims; hence the importance of reparation". (Vol. 1, Truth and Reconciliation Report of South Africa, p. 9)

I do not have a definitive answer to my question about how society should balance the dispensing of forgiveness and punishment - and reparation to victims of unethical or criminal behaviour. But I do believe that the current approach of trial by media with little or no consideration of the circumstances surrounding the offending past actions or of the quality of the person's life since that time is neither fair nor just.

Until we create a social context where it is possible for mistakes or misdeeds to be accepted as part of learning how to live a good life (and where truth, forgiveness and reparation are appropriate forms of response) then I fear that we may continue to act in ways that look suspiciously like the search for vengeance - and at least one deity has claimed that vengeance is their province alone. Under these circumstances, it is likely that individuals will continue to invest considerable energy into hiding actions they may have come to genuinely regret and which may indeed have led them to lead good lives.

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