

Natural Justice, Natural Law, Moral Conscience and Moral Injury: drawing a conceptual line.

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Moral Injury: some provisional definitions

“Perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held moral beliefs and expectations may be deleterious in the long term, emotionally, psychologically, behaviourally, spiritually, and socially” (Litz et al., 2009: 695).

“A betrayal of what’s right, by someone who holds legitimate authority (e.g. in the military - a leader), in a high stakes situation. All three”. (Shay, 2014: 183)

“Moral Trauma - the existential, psychological, emotional and or spiritual trauma arising from a conflict, violation or betrayal, either by omission or commission, of or within one’s moral beliefs or code(s)” (Jamieson et al., 2020: 1060).

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- Litz, B. T., Stein, N., Delaney, E., Lebowitz, L., Nash, W. P., Silva, C., & Maguen, S. (2009). Moral injury and moral repair in war veterans: A preliminary model and intervention strategy. *Clinical Psychology Review*, 29, pp. 695–706.
 - Shay, J. (2014) Moral injury. *Psychoanalytic Psychology*, 31(2), pp. 182-191.
 - Jamieson, N., Maple, M., Ratnarajah, D. and Usher, K. (2020) Military moral injury: A concept analysis. *Int J Ment Health Nurs*, 29(6), pp. 1049-1066.

Definitional key moral themes

- Core: Transgression / betrayal: moral beliefs / expectations / values / codes
- No clear reference to ethical framework / origins of moral values
- No explicit reference to Moral Conscience

Literature

- Little exploration of “moral” building blocks of concept
- Danger of atomization / reduction to subjective opinion without external referents.
“Concept creep”.
- What about the Conscience?

“There is a voice within us, which assures us that there is something higher than earth. We cannot analyse, define, contemplate what it is that thus whispers to us. It has no shape or material form” (Newman, 2016).

- Molendijk, T., Kramer, E.-H. and Verweij, D. (2018) Moral Aspects of “Moral Injury”: Analyzing Conceptualizations on the Role of Morality in Military Trauma. *Journal of Military Ethics*, 17(1), pp. 36-53.
- ter Heide JJ. Bruikbaarheid en beperking van het begrip ‘moral injury’ in de klinische praktijk [Utility and limitation of the moral injury concept in clinical practice]. *Tijdschr Voor Psychother* 2020; (6): 11699.
- Molendijk, T. (2022) Warnings against romanticising moral injury. *Br J Psychiatry*, 220(1), pp.1-3.
- Brock in ed. Papadopoulos, R. K. (2020) *Moral injury and beyond : understanding human anguish and healing traumatic wounds*. London: Routledge.
- Newman, J. H. (2016) *An essay in aid of a grammar of assent*. Edited by I. T Ker. Oxford: Oxford University Press.

Return to Shay's Achilles

- Greek themes / eternal moral themes rooted in humanity.
- *Themis*: ideas of right based on Natural Justice: Betrayal.
- Aristotelian root: Natural Justice as building blocks of Western Ethical thinking
- Natural Law thinking / Just War thinking.
- Appeal possible to higher moral law: Antigone / Nuremburg Trials (crimes against humanity) / Martin L-K (Birmingham Jail letter).
- Develops into Positive Law: societal / international / IHL / Professional Codes.
- Shay, J. (1994). Achilles in Vietnam: Combat trauma and the undoing of character. New York, NY: Scribner.
- Sophocles (1984) The three Theban plays : Antigone ; Oedipus the king ; Oedipus at Colonus. Translated by Robert Fagles. Harmondsworth: Penguin Books.
- Aristotle (2013) New Translation of the Nichomachean Ethics of Aristotle. Read Books Ltd.
- Rommen, H. (1959) Natural Law in Decisions of the Federal Supreme Court and of the Constitutional Courts in Germany. Natural law forum, 4(1), p. 1.
- King, Jr., Martin Luther, "Letter from Birmingham Jail" in Why We Can't Wait (New York: Harper & Row, 1964).

Why a conceptual line?

- Moral Injury Construct still crystalizing: here's an under-explored basic element
- Natural Law thinking offers a metaphysical reference point: independent of specific culture / religions
- Moral building block: arises from human reason reflecting on Natural Justice
- Link offers theoretical objectivity / intelligibility / universality: aims of any moral theory