

THEORETICAL ARTICLE/ESSAY

Analysis of the concept of guilt: From conceptual divergence to its implications for nursing research

Análise ao conceito de culpa: Da divergência conceptual à sua implicação para a investigação em enfermagem

Análisis del concepto de culpa: De la divergencia conceptual a sus implicaciones para la investigación en enfermería

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Abstract

Background: *Guilt* has been an object of study in several areas of knowledge, including nursing. However, this concept is defined differently across disciplines, which is one of the main obstacles to developing studies on this topic.

Objective: This study results from a narrative literature review. It aims to present a conceptual analysis of guilt while reflecting on the need to study the definition of the concept based on the former carers' experience of this phenomenon.

Main topics of analysis: Definition of the concept of guilt in the light of philosophy, legal sciences, and nursing, and presentation of the need to map the concept as a key starting point for the production of scientific knowledge.

Conclusion: The literature describes the concept of guilt as a multidisciplinary concept with multiple meanings. Mapping the concept of guilt in a specific population and context is a key starting point for developing future studies on this topic.

Keywords: guilt; nursing

Resumo

Enquadramento: A *culpa* apresenta-se como um fenómeno alvo de estudo em várias áreas do conhecimento, inclusive em enfermagem. Contudo, a definição do seu conceito apresenta divergências entre as várias disciplinas, e tal emerge como um dos principais obstáculos à realização de estudos sobre o tema.

Objetivo: O presente estudo, resultante de uma revisão narrativa da literatura, tem como objetivo apresentar uma análise conceptual ao conceito de culpa, refletindo concomitantemente sobre a necessidade de realizar um estudo sobre a definição do conceito face à vivência do fenómeno nos pós-cuidadores.

Principais tópicos em análise: Definição do conceito de culpa à luz da filosofia, ciências jurídicas e enfermagem, e apresentação da necessidade de mapear o conceito como ponto de partida fundamental para a produção de conhecimento científico.

Conclusão: O conceito de culpa é apresentado na literatura científica como um conceito multidisciplinar com múltiplos significados. O mapeamento do conceito de culpa numa população e contexto específicos apresenta-se como um ponto de partida fundamental para a condução de estudos futuros sobre a problemática.

Palavras-chave: culpa; enfermagem

Resumen

Marco contextual: El sentimiento de *culpa* es un fenómeno estudiado en varias áreas del conocimiento, entre ellas la enfermería. Sin embargo, la definición de su concepto presenta divergencias entre las distintas disciplinas, lo que se perfila como uno de los principales obstáculos para la realización de estudios sobre el tema.

Objetivo: Este estudio, fruto de una revisión narrativa de la literatura, tiene como objetivo presentar un análisis conceptual del concepto de culpa, a la vez que reflexionar sobre la necesidad de realizar un estudio sobre la definición del concepto en relación con la vivencia del fenómeno en los poscuidadores.

Principales temas en análisis: Definición del concepto de culpa según la filosofía, las ciencias jurídicas y la enfermería, y presentación de la necesidad de mapear el concepto como punto de partida fundamental para la producción de conocimiento científico.

Conclusión: El concepto de culpa se presenta en la literatura científica como un concepto multidisciplinar con múltiples significados. El mapeo del concepto de culpa en una población y un contexto específicos es un punto de partida fundamental para la realización de futuros estudios sobre la problemática.

Palabras clave: culpa; enfermería

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Introduction

Guilt is a short word that carries major symbolic significance. Its appropriation (and connotation) results from the thinking of centuries-old generations, reflected to this day in the scientific literature on the concept. Several studies on human experiences in the nursing discipline have addressed this concept, such as those on the experiences of parents and children hospitalized in intensive care units (Gomes et al., 2009), where guilt plays a key role as an integral part of the experience and subsequent research, although it is not a research focus.

Nevertheless, investigating guilt can be challenging. According to Tilghman-Osborne and Cole (2010), one of the difficulties is the diversity of definitions across a wide range of areas where its study is relevant: the authors identified 23 different definitions and 25 measures of guilt in their review.

Therefore, how can different areas of knowledge differ regarding the conceptualization of guilt? How is the concept defined in the scientific terminology of the nursing discipline? What could be the methodological starting point for developing future studies on the phenomenon based on its accurate definition? In response to these questions, and based on a narrative literature review, this analysis will clarify the concept of guilt in the light of philosophy, legal sciences (as the basic sciences for the theorization of the concept), and nursing. To this end, reference works on the topic were analyzed, starting with the foundation of the concept in the light of the philosophical thinking of Kant (2003), Heidegger (2005), and Nietzsche (2008), and then moving on to clarify how the concept is used in Portuguese Civil and Criminal Law. Subsequently, the topic will be addressed from a nursing perspective, clarifying how the term is conceptually defined in the scientific terminology of the discipline.

Concerning the potential development of nursing research on the topic, a case study will be presented to illustrate how the definition of the concept per se is essential to achieve scientific rigor and how the concept can be clarified considering the complexity of a situation/problem in the study of post-caring experiences.

Development

The origin of the concept of *guilt*

Etymologically, the word *culpa* ('guilt') derives from the Latin word *culpa* (Houaiss & Villar, 2002), which is described as a:

- 1) responsibility for the damage, harm, disaster caused to another, 2) fault, offense, crime, 3) attitude or lack of attitude from which results, through ignorance or carelessness, damage, problem, or disaster to another . . . , 4) Fact, event from which results another bad, harmful fact; cause, consequence. (p. 1151)

The reflection on its meaning goes back to ancient times. For example, in the Old Testament, the term is often found in the religious and patriotic canticles of the Isra-

elites in the Book of Psalms - its existence being the fruit of sin and a motto for repentance. In this regard, one can read, "I confess my iniquity; I am sorry for my sin" (Patriarchate of Lisbon, 1995 - Psalms 38:18).

The *guilt* associated with sin also resulted from negative feelings that went beyond the anguish mentioned above, flooding the offender (the sinner, the repentant soul) and causing spiritual suffering. In the Book of Psalms, one can also read, "For my iniquities have gone over my head; they weigh like a burden too heavy for me" (Patriarchate of Lisbon, 1995 - Psalms 38:4). This suffering could only be relieved through God's forgiveness, "If we confess our sins, he who is faithful and just will forgive us our sins and cleanse us from all unrighteousness" (Patriarchate of Lisbon, 1995 - 1 John 1:9).

This association between *guilt*, sin, and the feeling of self-criticism is still very present today in contemporary thinking.

Guilt in philosophical thinking

In the domain of philosophy, *guilt* is usually presented as the "legal term to indicate the 'involuntary' transgression of a norm, without premeditation, as opposed to intent (*dolus*), which is the premeditated transgression" (Abbagnano, 2007, p. 224). However, several philosophers have studied the concept, providing the basis for critical and theoretical thinking to understand it better.

Let us start with Kant (2003). According to the philosopher, a person is a "subject whose actions can be imputed to him" (p. 66) and imputation in the moral sense is "the judgment whereby someone is deemed the author (*causa libera*) ['free cause'] of an action, which thereupon is called a deed (*factum*) and is subject to laws." (p. 70). Thus, a crime (*dolus*) is an "intentional transgression (i.e., one accompanied by consciousness of its being a transgression" (p. 67), a transgression is "a deed contrary to duty (*reatus*)" (p. 66), and a mere fault (*culpa*) is an "unintentional transgression that can still be imputable to the agent" (p. 67). For the philosopher, "if what he does is less than what the law requires, then it is morally culpable (*demeritum*)" (p. 70).

Two other important philosophers have addressed the concept of *guilt* in classical literature and are key thinkers in understanding the concept: Heidegger and Nietzsche. In his book *Being and Time*, Heidegger sees *guilt* as something essential to existence (Heidegger, 2005; Abbagnano, 2007) and *being-guilty* takes on two meanings: "being in debt to someone and being the cause, author, or responsible for something" (Abbagnano, 2007, p. 224).

In turn, in a chapter entitled *Second Essay: Guilt, Bad Conscience, and Related Matters* in his work *On the Genealogy of Morality: A Polemic*, Nietzsche (2008) discusses the origin of this definition. In this chapter, the philosopher addresses the will to power and bad conscience as an illness of the will, extolling concepts such as forgetfulness as opposed to memory, responsibility, freedom, and free will. In this way, the "consciousness of guilt, bad conscience" (Nietzsche, 2008, p. 52) is a "dismal thing" (p. 52), with the author also mentioning that the concept of *guilt* originated from the material concept of debt:

Have these genealogists of morality up to now ever remotely dreamt that, for example, the main moral concept ‘*Schuld*’ (‘guilt’) descends from the very material concept of ‘*Schulden*’ (‘debts’)? Or that punishment, as retribution, evolved quite independently of any assumption about freedom or lack of freedom of the will? – and this to the point where a high degree of humanization had first to be achieved, so that the animal ‘man’ could begin to differentiate between those much more primitive nuances ‘intentional,’ ‘negligent,’ ‘accidental,’ ‘of sound mind’ and their opposites, and take them into account when dealing out punishment. (p. 52)

Nietzsche goes on to say that this thought was at the basis of the emergence of the sense of justice, according to which “the criminal deserves to be punished *because* he could have acted otherwise” (p. 52). This thinking is already revolutionary given the Psychology of the history of ancient humankind. Thus,

Throughout most of human history, punishment has not been meted out because the miscreant was held responsible for his act, therefore it was not assumed that the guilty party alone should be punished: – but rather, as parents still punish their children, it was out of anger over some wrong that had been suffered, directed at the perpetrator, – but this anger was held in check and modified by the idea that every injury has its equivalent which can be paid in compensation, if only through the pain of the person who injures. (Nietzsche, 2008, p. 53)

The association between injury and pain is thus established, originating from the “contractual relationship between *creditor* and *debtor*, which is as old as the very conception of a ‘legal subject’ (Nietzsche, 2008, p. 53) and refers back to the basic forms of buying, selling, bartering, trading, and trafficking.

Thus, the creditor has the power to inflict suffering on the debtor for the sake of justice, and this “compensation is made up of a warrant for and entitlement to cruelty” (Nietzsche, 2008, p. 54). In this sphere, the moral concepts of ‘debt,’ ‘conscience,’ ‘duty,’ and ‘sacred duty’ (Nietzsche, 2008, p. 55) began with a bloodletting (Nietzsche, 2008). Therefore, the *feeling of guilt* originated “in the oldest and most primitive personal relationship there is, in the relationship of buyer and seller, creditor and debtor” (Nietzsche, 2008, p. 59).

This brings us to how the concept is used within the scope of legal sciences, which reflects the philosophical thinking described above.

The concept of *guilt* in legal sciences

In Civil Law, guilt is defined as “the failure to meet a legal duty: the legally due diligence that is expected from a *bonus pater familias* under the same circumstances as the agent” (Prata, 2017, p. 633, on Article 487 - Guilt - of the Civil Code [Decree-Law no. 47344 of the Ministry of Justice (Civil Code), p. 86]). According to the same author on Article 483 of the Civil Code - General Principle (Decree-Law No. 47344 of the Ministry of Justice (Civil Code), p. 85), “the act must be illicit” (p. 627).

Concerning the unlawfulness of the act, it is important to distinguish between mere fault or negligence and intentional or willful misconduct:

Guilt must be added to the illicit act to result in civil liability. And it can emerge as mere fault or willful misconduct, with the possibility for subdivisions in these two degrees. Generally speaking, it is said that there is mere fault or negligence when the agent did not foresee the illicit (or harmful) result - for those who adopt the theory of the disvalue of the result) - or, having foreseen it, imprudently trusted that it would not occur. There is willful misconduct when the agent, having foreseen the result, accepted it as possible, that is, did not fail to act due to this possibility. (2017, p. 629)

This leads us to the concept of imputable, where

To be imputable, the person must commit the act (positive or omission) with the necessary discernment to understand the act in itself and its possible consequences and have freedom of self-determination. (Prata, 2017, p. 634)

For Deodato, and in accordance with the Civil Law, “Guilt refers to the subjective or psychological dimension of the harmful conduct” (Deodato, 2008, p. 59), and “For such a judgment, the act must be imputable to the agent” (p. 59).

Thus, there are two types of guilt in civil liability: “mere fault or negligence and intentional or willful misconduct” (Deodato, 2008, p. 59). The same author states that this is done “differently in criminal law, where negligence and willful misconduct do not integrate guilt” (Deodato, 2008, p. 59). According to Deodato, the elements integrating this liability derive from active behaviors or omissions, as seen in Article 10 of the Criminal Code (Law No. 48/95 of the Ministry of Justice (Criminal Code), p. 1362). However, this is not the only difference between the two types of liability. According to the same author (Deodato, 2008, p. 56), “Civil liability is also distinct from criminal liability, essentially because the former aims to protect the personal interest of the injured party while criminal liability protects the legal order in general, that is, society.” Thus,

The liability considered by Criminal Law is directed to an agent or a person capable of committing an act considered a tort by the legal order in force. It is directed to a person, not because of the person itself but the act that he or she has committed. (Deodato, 2008, p. 60)

In Criminal Law, action and omission “are also analyzed to determine whether they are committed with intent or negligence . . . Thus, a punishable act may result from an act committed with intent or negligence or an omission equally intentional or negligent” (Deodato, 2008, p. 61). Therefore, the author distinguishes between intent and negligence. He states that

Intent corresponds to a representation and the will to commit an act that constitutes a type of crime in criminal law. The agent represents the act and wants to commit it. Negligence occurs when the agent neither foresees nor intends to commit the act and corresponds to the violation of a duty of care or the creation of a forbidden risk. (Deodato, p. 61)

This aspect is present in Articles 13, 14, and 15 of the Criminal Code (Law no. 48/95 of the Ministry of Justice (Criminal Code), p. 1363).

In accordance with Article 13 - Intent and negligence - of the Criminal Code (Law No. 48/95 of the Ministry of Justice (Criminal Code), p. 1363), “Only acts committed with intent or, in cases specifically provided for by the law, with negligence are punishable.” According to Albuquerque (2015, p. 148),

The criminal system is based on the punishment of intentional human actions. These actions express the most serious legal devalue and, simultaneously, the most reprehensible guilt. Only in cases specifically provided for by the law is punishment extended to negligent human actions, in view of the less serious legal devalue and, therefore, the less reprehensible guilt of the crime committed negligently.

The author also states that

The subjective condition of punishment does not constitute an element of the objective type of offense, and it is therefore not covered by the agent’s intent and guilt. Still, the acts of the person who is not criminally responsible and the accomplice are punishable if the objective condition for punishment is verified. (Albuquerque, 2015, p. 148)

In accordance with Article 14 of the Criminal Code (Law No. 48/95 of the Ministry of Justice (Criminal Code), p. 1363),

1 - A person who, by representing an act that constitutes a type of crime, acts with the intention of carrying it out shall act with intent. 2 - A person who represents the accomplishment of an act that constitutes a type of crime as a necessary consequence of his or her conduct shall also act with intent. 3 - When the accomplishment of an act that constitutes a type of crime is represented as a possible consequence of the conduct, there is intent if the agent acts accepting that accomplishment,

which shows the intentionality of the action. Albuquerque (2015) clarifies that: “4) Intent consists of the knowledge and will to perform the typical action . . . Negligence consists of the violation of the objective duty of care” (2015, p. 149). The same author distinguishes between *dolus directus*, which “consists of the intentional will directed to the accomplishment of the act” (2015, p. 50), *dolus necessarius*, which “consists of the will to commit the act, with all its necessary and indispensable consequences” (2015, p. 50), and *dolus eventualis*, which “consists of the agent’s acceptance of the accomplishment of the act, with its possible consequences” (2015, p. 50).

In accordance with Article 15 - Negligence - of the Criminal Code (Law No. 48/95 of the Ministry of Justice (Criminal Code), p. 1363),

A person acts with negligence when he or she does not behave with the care to which, according to circumstances, he or she is obliged to and capable of, and: a) Represents, as possible, the accomplishment of an act that constitutes a type of crime but acts without accepting that accomplishment; or

b) Does not even represent the possibility of the accomplishment of that act.

Similarly, in accordance with Article 17 - Mistake about unlawfulness - of the Criminal Code (Law No. 48/95 of the Ministry of Justice (Criminal Code), p. 1363)

1 - A person acts without fault when he or she is unaware of the unlawfulness of the act, as long as the mistake is not imputable to him or her. 2 - If the mistake is imputable to the agent, he or she shall be punished with the penalty applicable to the respective intentional crime, which may be especially reduced.

In view of the above, it is possible to identify the dimension of *guilt* in civil and criminal actions. It involves the definition of the concept in the practice of nurses who acted under culpable conduct and can therefore be subject to punishment. The nurse can thus be *guilty* of something that was done against civil and criminal law, and, for that *guilt*, he or she can be civilly and criminally punished. In this context (the nurse’s culpable conduct), one of the key works to understand *guilt* in the nursing discipline is the book *Justiça, poder e responsabilidade: articulação e medições nos cuidados de enfermagem* by Nunes (2006), namely sub-chapter *Da Culpabilidade e do Sentimento de Culpa* of chapter *A responsabilidade*.

Nunes (2006) addresses culpability based on the moral concept of responsibility. Thus, “When we link guilt to responsibility, we find the two possible etymologies again: “to respond to” and “to respond for”; it is about assuming, face to face with the Other, in a relationship with” (Nunes, 2006, p. 212).

It is thus imperative to understand responsibility as referring to “acts and their consequences” (Nunes, 2006, p. 175), interconnected with their individual power to act in the decision-making process (Deodato, 2008).

According to Deodato,

The responsibility for what one does or promises results from the power that each one has to decide about his or her actions. . . . The act thus results from the exercise of individual freedom, from the possibility that each one has to choose between different alternatives”. (Deodato, 2008, p. 39)

This aspect brings us back to the principle of autonomy and the appropriation of the decision as a process, as well as to the connection between will and freedom for the formulation of action.

And when is the action performed? According to Deodato (2014, p. 159), it originates from the “human being, from within, as the will to externalize his or her presence in the world.”

Therefore, Nunes (2006) links the term to both responsibility and consciousness. In this way, “the essence of culpability lies already in the consciousness of being overloaded, of carrying a ‘weight’” (Nunes, 2006, p. 210). This refers to the understanding of culpability from the Judeo-Christian perspective described above, which is also evident in Nunes’ work (2006, p. 213):

One of the primary factors linked to culpability stems from our Judeo-Christian culture, in which a law is given by a legislator to a people who are

both beneficiary and receiver of the law, and the association with Greek influence is also undeniable, so much so that Ricoeur claims we are beneficiaries of a Judeo-Greek mix; between “Jerusalem and Athens,” between the Judeo-Christian heritage and Dostoevsky’s thinking.

The contributions described above clarify issues related to the potential civil and criminal liability of a nurse with harmful conduct. But are the concepts of *guilt* of a professional (e.g., a nurse) with harmful conduct (and for what we have already seen that he or she may be criminally punished) and *guilt* of a patient who contracts an illness that affects him or her similar? Would the patient not be liable to be criminally punished for his or her health condition if they were? What about when a family member feels guilty for not having been more present in the life of his or her dying relative? Is this the same *guilt* of one who is at fault and should be legally punished? Are we talking about the same definition of the concept? The key aspect here is the difference between *being* and *feeling* guilty. Nunes (2006) answers this question by distinguishing between *culpability* and *feeling guilty*. In this way,

The former refers to factual guilt (and can be measured on a scale of faults, objective in an external sense as fact) while the latter reflects the resonance in oneself of a feeling of being accused (by oneself or others, thus being able to face an external accusation or of feeling guilty, of recognizing oneself as guilty (Nunes, 2006, p. 211).

The concept of *guilt* in nursing

Although the concept of *guilt* is widely addressed in the works of renowned nursing authors in the areas of philosophy and civil and criminal law concerning nurses’ culpability (as already described in the analysis of the works of Nunes, 2006, and Deodato, 2008), its appropriation in the health and disease processes within the discipline still requires a deeper understanding.

The term is not currently included in the list of diagnoses of NANDA-I taxonomy (Herdman & Kamitsuru, 2018). Nevertheless, the concept (and its subtypes, such as *blaming*, *excessive self-blame*, and *projection of blame*) is present as a characteristic of several other diagnoses, namely: *grieving*, *fatigue*, *chronic low self-esteem*, *dysfunctional family processes*, *parental role conflict*, *rape-trauma syndrome*, *post-trauma syndrome*, *anxiety*, *complicated grieving*, *defensive coping*, *impaired mood regulation*, *impaired resilience*, and *spiritual distress*. It is also present in the taxonomy as a psychological risk factor for *risk for suicide*.

Furthermore, the concept is defined in the lexicon of the discipline, that is, in the International Classification for Nursing Practice (ICNP[®], 2019) of the International Council of Nurses (ICN, 2019), in the following axis: “Negative emotion: Feelings of having done wrong, internal conflicting values or tensions when one falls below standard set for oneself; feelings of guilt are directed towards oneself instead of directed towards others.”

Implications for nursing research on informal carers

A case study will be presented to illustrate the need to clarify the concept of *guilt* in nursing with regard to conducting research on the concept as a phenomenon in the discipline: the study of the *guilt* experienced by former carers, a reality close to the practice of professional nursing. The World Health Organization (WHO) ICD-11 - International Classification of Diseases for Mortality and Morbidity Statistics (WHO, 2019) includes *guilt* as one of the symptoms in the medical diagnosis of *prolonged grief disorder*. According to several authors, the phenomenon is often referred to in grief narratives as a possible research focus in the scientific literature regarding several populations such as informal carers and former carers (Pazes et al., 2014).

According to Larkin, a former carer is someone who does not necessarily identify themselves as a former carer but who has experienced an episode of caring in the past that ended with the death of their dependant. This caregiving was not carried out on a professional basis, and excluding benefits, was unpaid” (2009, p. 1029),

and *guilt* is one of the feelings experienced, particularly in the post-caring void phase of the post-caring trajectory (Larkin, 2009).

Research on post-caregiving is a potential field of study in the nursing discipline, and *guilt* is indeed a defining characteristic of the diagnosis of *grieving* and *complicated grieving* in the NANDA-I Taxonomy (Herdman & Kamitsuru, 2018).

If nurses, in their position as researchers, intend to conduct scientific studies on the impact of *guilt* on former carers’ mental health, the first methodological step should be the prior definition of *guilt*, which is a challenge for researchers given the divergent views (Tilghman-Osborne & Cole, 2010). Therefore, the resulting definition will most likely be different from those of the philosophical and legal areas already presented. It is also essential to understand how the definition proposed by the International Council of Nurses (ICN, 2019) matches the definition emerging from the lived experience of nursing situations/problems. The characteristics of the population and context under study may lead to a specific definition clarified by the agents themselves in the light of the complexity of their experiences.

Thus, clarifying the concept of *guilt* in post-caring experiences is a challenge for researchers.

The development of a scoping review (Peters et al., 2020) on the concept of *guilt* in former carers can be an adequate (and fundamental) methodological strategy to overcome this challenge because it will allow mapping the concept based on the experiences of those who live it and on the available scientific knowledge.

If the concept is not defined in the literature for the target population and context, its definition is an essential preliminary methodological step for conducting future studies on the phenomenon.

Conclusion

Based on a narrative literature review, this analysis of the concept of *guilt* addresses how the term can have different conceptual meanings depending on the discipline using it and proposes a possible methodological path for developing future studies on the topic.

The concept of *guilt* is used in several areas of knowledge with different definitions. These often subtle divergences may require clarification depending on the context and the population under study.

It is recommended that studies be conducted before field research to define the concept and, consequently, reduce possible biases arising from the conceptual divergence. Thus, mapping the concept of *guilt* through a scoping review, adapted to a specific population and context, may be a fundamental and inevitable starting point for producing scientific knowledge on the lived experience of the phenomenon.

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