



# The Significance and Complexity of Conscience

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## Abstract

The concept of conscience continues to play a central role in our ethical reasoning as well as in public and philosophical debate over medical ethics, religious freedom, and conscientious objection in many fields, including war. Despite this continued relevance the nature of conscience itself has remained a relatively neglected topic in recent philosophical literature. In this paper I discuss some historical background to the concept and outline the essential features required for any satisfactory account of conscience and its significance for a coherent moral psychology. It will become clear that conscience is a complex concept resisting reduction to any one of its component features. In doing so I critique recent accounts of conscience which have been insufficiently attentive to these complexities and as a consequence have drawn mistaken conclusions about the legitimate role of conscience in moral reasoning. I also discuss the significance of various distortions of conscience such what I call “the fanaticised conscience”. Clarifying our concept of conscience helps us avoid both conceptual confusion in moral psychology and misapplications of the concept in our understanding of conscientious objection both theoretically and in practice.

**Keywords** Conscience · Its conceptual history · Religion · Emotion · Reason · Judgement · Immature conscience · Fanaticised conscience · Conscientious objection

The concept of conscience has a long and intricate history but is a familiar contemporary element in the moral life and its explication. In everyday talk, phrases such

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as ‘the pangs of conscience’, ‘it’s a matter of conscience’ ‘do what your conscience tells you’, ‘I couldn’t in conscience do that’, and ‘he lacks a conscience’ are common currency. In the public world, the idea is much invoked in religious contexts, as in claims about the relation of private conscience to Church authority or the tolerance, either by church or state, of freedom of conscience regarding religious allegiance. In other political or public circumstances there are such problems as conscience votes for politicians seeking exemption from party discipline on contentious ‘moral’ issues.

There are also questions of conscientious objection and civil disobedience in relation to war, and to domestic policy areas such as controversial medical procedures that certain doctors believe that they cannot ‘in conscience’ perform, and indeed, where some patients have conscientious objections to procedures that medical authorities and governments want performed. Just as topically in recent years, there is the right of conscientious whistle-blowers, either in relation to business or professional malpractice or in relation to misuse of ‘national security’. Many of these specific topics have become subjects for philosophical attention in applied philosophy, and a discussion of the nature of conscience is relevant to these debates, as well as interesting in itself, though direct exploration in depth of the concept by contemporary philosophers has been rarer than the discussion of those problematic issues. In what follows, I will primarily explore the idea of conscience, its complexities, and its importance, but its detailed implications for the dilemmas of conscientious objection will not be explored directly, though there are significant implications in the exploration for its relevance to that topic.

The relative modern neglect of philosophical investigation of the concept of conscience has recently been repaired to some degree. A notable contribution is Kimberley Brownlee’s, *Conscience and Conviction: The Case for Civil Disobedience*, and Richard Sorabji in his impressive *Moral Conscience Through the Ages* has also written on the topic with special attention to its history, a theme also addressed in Martin van Creveld’s fascinating book *Conscience: A Biography*, and also addressed with considerable scholarship and philosophical analysis by Douglas C. Langston in *Conscience and Other Virtues*. The philosophical history of the concept also concerned the Australian philosopher and bishop Eric D’Arcy many years ago in his book *Conscience and its Right to Freedom*. The matter has also recently been discussed somewhat in journals, again with impressive historical detail and analytical skill, notably by John Cottingham, and before him in similar vein though with a somewhat different emphasis by William Lyons.<sup>1</sup> Here, I attempt to explore the issues further.

## 1 Some Conceptual Historical Background

Briefly put, I think that a survey of its conceptual history suggests, among other things, that there are at least three opposing tendencies to avoid in thinking of conscience. One is the idea that conscience is wholly a matter of the heart, another that it’s wholly a matter of the head, and third that it is entirely a matter of social pres-

<sup>1</sup> See References section at end of essay for details for these publications (D’Arcy 1961, Langston 2001).

tures. On the one hand, some people are inclined, especially when dismissive of conscience, to view it as solely a matter of feeling, albeit strong feeling. Then those who dismiss or minimise the significance of conscience proceed by appeal to the superiority of reason, particularly community, state, professional, or governmental reason, over private emotion; to this can be added the dismissal by appeal to private reason (especially the appellant's) over private emotion. Sometimes associated with this is the marginalising of conscience as a mere product of social conditioning whereby feelings of guilt or disapproval towards actions that then count as immoral are aroused. Such a social approach tends to more or less radical reductionism about conscience. Sigmund Freud, for example, sees conscience as developing in initially amoral children responding to the external teachings, example, and observed attitudes of their parents, but then internalized as the working of the superego dictating not only views but more importantly powerful associated feelings of approval or rejection. So 'the super-ego takes the place of the parental agency and observes, directs and threatens the ego in exactly the same way as earlier the parents did with the child' (Freud, 1973, pp. 93–94).<sup>2</sup>

It would certainly be a mistake to ignore the effects of social attitudes on our thoughts and feelings in general, and conscience and its 'voice' are no exceptions to such influence. But just as the fact that a person's thoughts may be true and her feelings apt, whether they are influenced or endorsed by social approvals or conditioning or not, so conscience may have a more autonomous value and role independent of the influence of such factors. Much of the talk about social conditioning of conscience puts the focus upon some local or particularly salient nearby social influences or 'norms' and ignores the fact that each of us, at least in all societies except perhaps the most isolated, have been subject to encounters with influential other people and other societies besides those; even societies or individuals remote in place and even time can spark changes in conviction, outlook and feeling. The reading of Plato, Confucius, a great novel such as Victor Hugo's 'Les Misérables', the Gospels or the Upanishads, or an encounter with a strikingly good or saintly person wherever that may occur can bring about a change of conscience. In all these cases reasoning, imagination, and emotion are together all likely to be in play.

I said that the first inclination, to see conscience as entirely emotional, sometimes underpinned the tendency that some have to dismiss or downplay the moral and indeed political importance of conscience, but it might sometimes also be connected to the idea that conscience is particularly related to religion and that religion, though considered socially important for some or many citizens, is fundamentally about emotion and beyond reason. Certainly the idea that conscience is a particular concern of religions has some historical warrant as can be seen in the record of medieval theological treatments, and in the important role it has played in Protestant theology since the Reformation, though the theological treatments are seldom mere emotional

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<sup>2</sup> These lectures were never delivered but were a reworking of his earlier 'Introductory Lectures on Psychoanalysis' that were delivered at the University of Vienna in 1915–17.

outbursts.<sup>3</sup> This may go part of the way to explaining how, until relatively recently, where there were legal exemptions for conscientious objection from armed service, many countries allowed it only to those who had a religious objection to war (and indeed all war). Of course, this emphasis on a religious basis for conscience may not only be connected to the pole of conscience as some specific sort of emotion, but is also a product of history since conscientious objection and refusal of military service have historically been associated with religious bodies and their doctrines. In addition, the emphasis has also had some epistemic roots in the difficulty of determining genuine objections in the contexts of legal tribunal proceedings: the idea being that if the objectors could show that they belonged to a religious group with settled relevant doctrines requiring adherence from practicing members this would help show that their cited beliefs had more communal grounding and were also likely to be deeply held. This in turn could help dispel the suspicion that the objection was somehow insincere, motivated by cowardice, or otherwise bogus, though it is at most a useful test since superficial religious affiliation could be used to conceal unworthy motives. Some Italian Catholic doctors, for instance, refuse on supposed conscience grounds to perform abortions in public hospitals, but more profitably do so illegally in private practice.<sup>4</sup>

The evidential value of this focus upon religion may be challenged in another way by pointing out that the religious test should be at most sufficient for establishing morally conscientious conviction and not necessary. This is not only because religion can hardly claim to be the only source of moral knowledge and moral emotions, but also because the evidence of conscientiousness can come from other sources, including the demonstrated depth of passionate commitment, exhibited by non-religious and religious people alike, to standing firm on certain moral principles in the face of temptations, threats and inducements.

By contrast with the emotional picture, different people are given to seeing conscience as just the individual's cool, reasoned conclusion about what is morally right or wrong. Cottingham cites theorists who held that conscience was simply the judgemental determinant of what was morally right or wrong (Cottingham, 2013, p. 730). Notable amongst such theorists is John Locke who said: 'conscience is... nothing else but our own... judgement of the moral rectitude or pravity of our own actions' (Locke, 1984, bk. I, ch. 3, § 8). This sort of cognitive emphasis has a long tradition in Western culture, and a version of it was strong in some medieval philosophy where treatments of conscience as the operation of practical reasoning, modelled on a version of syllogistic reasoning, are sometimes asserted. In this connection, Sorabji has argued that the history of the concept shows that many theorists, including some of the medievals, characterised the moral role of conscience as that of determining what was right or wrong in particular circumstances by contrast with the more abstract

<sup>3</sup> Bishop Joseph Butler, one of those most concerned to describe conscience and elevate its role, stresses its unique reflective capacity to discover moral truths, and 'be a law to us' (Butler, 1726, Sermon II, § 8). John Calvin, by contrast, though no opponent of reason, gives it an emphatic emotional significance: '... it is a kind of medium between God and man; because it does not suffer a man to suppress what he knows within himself, but pursues him till it brings him to conviction' (Calvin, 1536, bk. III, ch. 19, Sect. 15).

<sup>4</sup> See for instance Francesca Minerva, 'Conscientious Objection in Italy', *Journal of Medical Ethics*, 41, 2 (2015), 170–173.

determination by reason of moral principles (Sorabji, 2014). Langston charts similar territory emphasising the way that contrasts and connections between the terms *synderesis* and *conscience* have figured in that discussion and influenced the intellectual stress upon conscience's role. Aquinas's view of conscience contains this emphasis, but, to be fair, he also stresses an affective role for conscience in its connection with urgings or proddings of praise or blame.<sup>5</sup>

Against a solely cognitive emphasis, however, it seems that there could be people who were perfectly capable of knowing what was morally right or wrong, and grasping the reasons for that, while still remaining indifferent to or even contemptuous of those judgements in their choosing to do wrong and suffering none of the symptoms of remorse.<sup>6</sup> Of such cases, it is surely plausible that both the indifference or contempt plus the lack of remorse indicate the absence of conscience. Some accounts of psychopaths describe them as lacking a conscience in this way, though the definition of 'psychopath' and the very concept are controversial in psychiatry. Some moral philosophy theories might make the description of the example or of the psychopathic condition untenable: those, for instance, such as provide imperativist or subjectivist analyses of moral terms like 'right', 'wrong', 'good' and 'bad' such that the agent who apparently recognizes some course of action as bad and wrong but has no drive to avoid it in response to his judgement cannot really be understanding the terms used.<sup>7</sup> But if this is a consequence of such theories it seems a problem for them rather than for the example.

Any picture of conscience as wholly a matter of intellect, even practical intellect, seems to be an exaggeration of the genuine understanding that conscience does involve moral judgement to which reasons are always relevant. The picture fails to do justice to the emotional driving force and deep connection to personal self-understanding and self-respect, religious or otherwise, that is characteristic of conscience.

It is this complex relationship to different aspects of the human self that some relatively dismissive discussions of conscientious objection tend to miss. Julian Savulescu, for instance, in an essay that is distinctly unsympathetic to allowing a significant role for conscientious objection for medical professionals, tends to treat conscience as a matter sometimes of "deeply held... beliefs" or more often just "values" (and on only one occasion "moral values").<sup>8</sup> When he does allow exemptions for conscience, it is also a concession as much for "self-interest" as for "values" (or even "moral values"). Although he raises some important problems for the operation

<sup>5</sup> As he says: 'in so far as knowledge is applied to an act as directive of it, conscience is said to prod or urge or bind. But, in so far as knowledge is applied to an act by way of examining what has already taken place, conscience is said to accuse or cause remorse, when what has been done is found to be out of harmony with the knowledge according to which it is examined' (Aquinas, 1954, Qu. 17, art. 1).

<sup>6</sup> As Milton has Satan put it: 'Evil be thou my good' (Milton, 1667, IV).

<sup>7</sup> R. M. Hare's prescriptivism in his *The Language of Morals* (Oxford: Oxford University Press, 1963) and C. L. Stevenson's emotivism in *Ethics and Language* (Oxford: Oxford University Press, 1944) seem to involve such a position.

<sup>8</sup> Julian Savulescu, "Conscientious Objection in Medicine", *BMJ Clinical Research*, (2006). The beliefs reference is specifically to "deeply held religious beliefs" (p. 294) clearly viewed as items of conscience, though not all such beliefs are instances of conscience at work, for instance, for some religious people, a belief in angels. The equation with values runs throughout the paper, and moral values are mentioned on p. 295 in urging that they be treated as on a par with self-interest.

of conscientious objection, his picture of conscience is too simplistic to give proper credit to the case for conscientious objection. Values, for instance, encompass all manner of personal commitments, and even deeply held values need have no direct relation to morality. Consider for example someone who deeply values her favourite sporting team and follows their efforts passionately or someone intensely committed to a strong regime of physical exercise. These could raise moral issues by conflicting in some way with moral values the agents have or should have, for instance, a neglect of family duties, but in themselves they are morally neutral. And people have deeply held beliefs about all manner of things that raise no issues of conscience, such as the common sense beliefs so often cited by G.E. Moore, such as "I have but one head" or "That is a clock on the wall" or "Before lunch today I had breakfast".

## 2 The Self and the 'voice' of Conscience and their Complexities

Socrates was recognisably speaking of one of the roles of what we would call conscience in Plato's *Apology* when he said:

'You have often heard me speak of an oracle or sign which comes to me, and is the divinity which Meletus ridicules in the indictment. This sign I have had ever since I was a child. The sign is a voice which comes to me and always forbids me to do something which I am going to do, but never commands me to do anything, and this is what stands in the way of my being a politician'. (Plato, 1931, para. 58).

Without the references to oracles or divinity or a daimon (as he elsewhere calls it), and without the associated suggestion (as noted in Sorabji, 2014, p. 21) that the voice's directives are infallible, there remains the basic idea of an authoritative inner voice urging rejection of some action as wrongful. This idea has played a significant part in the development of the concept of conscience over the ages and it seems to imply that conscientious judgement is bound up with an agent's sense of her true self, with an understanding of who they are and what life means to them. In spite of all the twists in the historical evolution of the modern concept of conscience, we can find something of this idea in part of Plato's explanation of his decision to accept an invitation from the dictator of Syracuse, Dionysius II, to come and act as his advisor. In his Seventh Letter, Plato cites as a reason: 'a feeling of shame with regard to myself, lest I might some day appear to myself wholly and solely a mere man of words, one who would never of his own will lay his hand to any act' (Plato, 1952). John Henry Newman who wrote extensively on the idea of conscience and its importance for morality and religion also used the metaphor of voice calling conscience the 'voice of God in the nature and heart of man, as distinct from the voice of Revelation' (Newman, 1875, p. 72). Newman also referred to it as 'a light' and sought to use its commanding presence as evidence for the existence of God as the source of that voice and light.

There is also in the conceptual beginnings of conscience, as Sorabji argues, an element of a divided self in which the standard self is confronted by a better self that provides moral correction and possibly guidance (Sorabji, 2014, p. 12). As Martin

van Creveld argues, citing amongst other evidence the Platonic passage above, this represents an important development beyond regarding the respect of other people or society itself as the arbiter of one's moral standing (van Creveld, 2015, p. 32). Philosophical discussions of conscience in the 18th century often reflect this division within the self as in Adam Smith's employment of the device of an internal 'impartial observer' (Smith, 1759, part III, ch. III) that itself echoes ideas to be found in the ancient Greeks, notably Epicurus and some Stoic philosophers. Significantly, however, Smith is more sympathetic to the role of feeling and emotion in the impartial spectator's construction and verdicts. In religious cultures and individuals, the 'voice' of conscience has often been viewed as the voice of God, or with philosophers such as Kant, the voice of the rational Will speaking as a categorical imperative (Kant, 1996, p. 161). Others, like Mill (Mill, 1895, ch. III) or in a different fashion Freud (Freud, 1949, p. 157), give more or less reductive explanations of this interior phenomenon, but its normative reality at the level of experience for most people is inescapable.<sup>9</sup>

So the moral agent asked to give an account of refusal to act in certain ways can offer in addition to the reply 'I can't do that because it is wrong for reasons p, q, and r' the response 'I cannot do that because I cannot be that sort of person'. Or as is commonly said: 'I couldn't live with myself'. I do not mean to suggest that the responses in terms of reasons and of a strongly felt sense of self (even an occasionally divided self) are opposed or incompatible; indeed, they may well be mutually supporting.<sup>10</sup> To think otherwise is to be influenced by a sharp opposition of reason and emotion that has been a powerful force in the Western philosophical and religious traditions, but is, I think, none the better for that pedigree.<sup>11</sup>

Another interesting complexity in the idea of conscience that already arises in the quotation from Socrates is the picture of conscience as entirely negative, in the sense of opposing proposed courses of action. So Socrates claims that his conscience 'forbids me to do something which I am going to do, but never commands me to do anything' adding that this prevents his being a politician (Plato, 1931, para. 58). (The ironic addendum is both a barb at his persecutors and a reminder that his philosophical mission is also negative, challenging certainties and claiming no positive doctrines of his own.) For Socrates, this outlook seems also geared to a forward-looking picture of the workings of conscience as at least forbidding future conduct. There seems, however, also a role for conscience as an inspector and judge of our past behaviour. This backward-looking aspect is captured in the religious practice of 'examination of conscience' prominent in the writings of St. Ignatius Loyola whereby a regular, reflective consideration of one's actions during the past day, week or whatever was recommended with a view to repentance and improved moral behav-

<sup>9</sup> In an Oxford B.Phil. exam paper in the 1960s a question quoted Coleridge's description of conscience as 'stern daughter of the voice of God' and asked 'Why God?' These days we might just as pertinently ask 'Why daughter?'

<sup>10</sup> Again Sorabji's argument about the continuing power of conscience pictured as one element in a divided self that is contesting with the other is relevant.

<sup>11</sup> For a fuller discussion of the dichotomy and its negative implications see C.A.J. Coady, "Reason, Emotion, and Morality: some Cautions for the Enhancement Project" in *The Ethics of Human Enhancement: Understanding the Debate*, eds. Clarke, Coady, Giublini, Sanyal, and Savulescu, Oxford: Oxford University Press (2016).

our. The retrospective role of conscience is allied to the prospective role by the twin facts that we think ourselves back into the situation in which we acted to criticize our actions then and to do something about it (if possible) in the future. We may have acted without heed of conscience or with culpable inattention to the facts, and later reflection may bring conscience powerfully into play with a sense of shame for or guilt about our past action. As for the forbidding of certain actions, that role cannot be totally divorced from commending choices, as Socrates wants to have it, since a consciousness of wrong-doing and an accompanying emotion of guilt or shame naturally indicates a positive way forward even if that way is hard to follow. A vivid recognition, for example, of one's intentional cruelty to another indicates the need to avoid such cruelty, but also to redress such a wrong.

This complex play of conscience on the soul is splendidly illustrated in Shakespeare's play *The Tragedy of Richard III* when two assassins (called only first and second murderer) are sent by Richard Gloucester (the future King Richard III) to murder his older brother Clarence. The two murderers converse before the sleeping Clarence and the second murderer is beset with qualms of conscience even though he thinks 'it makes a man a coward' by accusing him when he does wrong and it sadly even 'made me once restore a purse of gold that I found'. Clarence wakes and tries to dissuade the killers from their deed, and second murderer who has tried but failed to overcome the power of his conscience, and heeding Clarence's pleas, finally draws back from the killing, shouting in vain the warning 'Look behind you, my Lord' as his companion stabs the victim. Rebuked by first murderer for not assisting and told his failure will be reported to Gloucester, second murderer replies that the killer can have the whole fee for the deed and must report to Gloucester the verdict of second murderer: 'I repent me that the Duke is slain' (Shakespeare, 1593, act 1, scene 4). An interesting aspect of this example is that second murderer's repentance is not aimed at having done the killing himself, since he drew back at the urgings of conscience and even warned Clarence at the last minute. Rather he repents his involvement in the scenario at all and perhaps his failure to act more decisively to prevent his colleague carrying out their mission. Moreover, while his involvement in the plot seems originally motivated by his greed for payment, second murderer's conscience goes beyond self-accusation and feelings of repentance to the positive steps of renouncing his fee and trying to make sure the Duke hears of his moral disgust at his part in the mission and its outcome.

### 3 Analyses of Conscience that can be too Thick or too Thin

In rejecting emphatically the exclusive negativity of conscience, some authors, such as Kimberley Brownlee, present a rich notion of conscience as a developed and developing guide to living well that requires deep reflection. As she puts it: 'conscience means not just taking morality seriously (conscientiousness), but also being genuinely, self-consciously morally responsive' (Brownlee, 2012, 52). She emphasizes a dynamic dimension to her concept of conscience whereby the moral agent is striving to implement an ideal of moral behaviour that involves a high degree of self-understanding. For her, conscience requires the cultivation of 'practical wisdom, virtue, and objective



moral integrity' (Brownlee, 2012, 52). She portrays conscience as a questing, self-scrutinizing capacity involving a pluralistic moral reality. She is certainly right to stress the more positive elements in conscience, though I think her account may be too rich or thick an account of our ordinary notion of conscience. In some respects, the analysis seems more like the setting forth of ideal preconditions for the cultivation of a healthy conscience, rather than an account of what conscience normally is.

Such an ideal has attractive features, but as an account of conscience, it appears to me somewhat ill at ease with what seems one crucial element in conscience-driven action, namely, the strong commitment to some deeply held moral value and the firm rejection of actions contrary to it. Someone's categorical, unqualified rejection of slavery or torture can appear to lack the questing, openness to revision, that Brownlee's 'conscience' apparently requires. Nor is it always necessary that the objector can fully articulate grounds for that rejection, though communication of the meaning of the rejection to others requires some degree of explanatory development. It seems a touchstone for the application of the term 'conscience' that those few intellectuals and ordinary folk who stood out against slavery in the past and those other relatively few who rejected the Western apologists for torture in the war on terror, were unmovable and passionate in their (I believe, correct) convictions, and some of them may have been unable to defend their convictions with theoretical elaborations beyond a statement of principle and perhaps a brief elaboration of it.

The positive side of conscience even extends to conscientious remorse at wrongful omissions, such as continuing to ignore the plight of the poor or oppressed, and creates or reinforces a need at least to explore ways to do what one can for them, and to this extent Brownlee's positive emphasis points in the right direction. Just what one should do is a matter certainly for moral judgment and hard thinking about various options. I am inclined to treat the original recognition of wrong-doing and the need for some positive responses as a matter of conscience, and the more developed positive responses as invoking other moral capacities. But if someone wants to harness the term conscience for the whole procedure, then I'm not sure that I have a decisive objection to that, though I doubt that the harness should be characterized in as demanding a way as Brownlee's. Another point about the positive role of conscience is that scrutiny of one's past behavior may actually lead in some cases to an endorsement of good behavior and the determination to repeat it where appropriate, and indeed better understanding of what it might imply for future conduct.

A final analytic point about conscience concerns the connection of individual conscience with that of others. Some have argued that conscience is an essentially private, personal matter. Gilbert Ryle, for instance, as Langston notes, argues for a version of this position. Ryle is correct that a dimension of the concept is the personal weight and authority that conscience has for its possessor; my conscience informs my actions and not the actions of others as my violation of it brings me shame or remorse and not others. But Ryle shows a tendency to relativize verdicts of conscience to the individual in a way that isn't warranted. As Langston puts it: "Although one's own conscience has a unique authority over one's own actions, the content of one's conscience has authority beyond the personal and extends to the behaviour of others." (Langston, p.98. For his detailed discussion of Ryle's view see pp 91–98) Hence, there was every reason in conscience for an individual to criticize, for example, the

fraudulent behaviour of certain Australian banks in recent years when they laundered criminal drug money, even describing it as “unconscionable”.

This distortion of the role of conscience even infects some discussions of conscientious objection, where such objection is seen as an entirely personal option in which the objector makes no claim upon the conscientious behaviour of others. Kimberley Brownlee, for instance, makes this a crucial plank in her case for holding that conscientious objection (or what she calls rather ‘personal disobedience’) is worth less respect and less legal recognition than self-restrained and non-evasive conscientious civil disobedience (Brownlee, 2012, 160).<sup>12</sup> The latter’s superiority resides in its addressing itself to other citizens in a communicative effort to persuade thus making a contribution to democratic processes. She argues that personal objection/disobedience often fails tests of what she calls non-evasiveness and always fails the test of dialogue. But it is not in the nature of conscientious objection to be unconcerned with communicative requirements aimed at persuasion that might thus contribute to democratic processes. As she notes, in a brief footnote, what is often called selective conscientious objection to warfare is usually communicative in the required way since such objectors commonly intend to persuade others of the immorality of a particular war, as well as refusing service in it. It is perhaps possible that some total pacifists, especially those whose objection is entirely based on somewhat narrow religious grounds, might have an objection only to their own participation in war. They may have no desire to persuade others to follow suit where those others do not share their religion, and perhaps no capacity to do so in terms of shareable reasons that might hope to persuade. They may also have no need to persuade others in their community. The history of pacifism, however, indicates that few total pacifists are indifferent to the dialogue requirement. In addition, lots of these objectors, especially those objecting to war service, will be non-evasive. Thus many ‘personal objectors’ who are moved by conscience to some form of civil disobedience, even if it is simply their own refusal to serve as demanded, should be morally and legally on a par with what Brownlee calls conscientious civil disobedients.

More generally, there is no real reason to deny, and every reason to expect, that someone acting on conscience should often have an interest in the consciences of others being in accord with their own. A misunderstanding of the philosophical sources of tolerance—either personal, political or legal tolerance—may make it seem otherwise. But at least where the issues concern matters that relate to shared or partially shared moral values such that a dialogue with others about their implications is neither futile nor needlessly offensive, the moral significance of our conscientious judgements is naturally something to at least prompt dialogue aimed at possible agreement, and also criticism, and where appropriate denunciation.

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<sup>12</sup> The term ‘self-restrained’ relates to the moral conditions on the manner and implementation of civil disobedience and the term ‘non-evasive’ marks the readiness of the civil disobedient to accept the risks attendant on their disobedience.

## 4 The Fallibility of Conscience

At this point an inevitable issue about conscience arises, namely, that it is not guaranteed to deliver the correct verdict on a moral act or course of action. Examples abound of people who kept conscientiously to a view and subsequent course of action that was seriously, and sometimes tragically, erroneous. This promotes a different sort of dismissal of conscience from that considered earlier regarding conscience and emotion, for it often leads to an exaltation of community, state, profession, or governmental reason and insight, both moral and non-moral, over that of the individual. This form of dismissal is especially relevant to issues to do with conscientious objection so it is worth considering two examples of erroneous conscience drawn from literature where the error has arisen precisely because of mistaken reliance upon community judgements and standards. The examples also illustrate the significance of empathy and moral experience in correcting erroneous conscience.

A well-known article by Jonathan Bennett explores the dramatic conflict between two poles of what appear to be conscience and fellow-feeling in the soul of Huck Finn in Mark Twain's famous novel (Bennett, 1974). There, Huck is torn by what he regards as the voice of conscience and the sympathy he feels for the escaped slave Jim. He realises that his voyage with Jim is going to assist the slave to escape to freedom and he thinks he will be much to blame for that violation:

‘Jim said it made him all over trembly and feverish to be so close to freedom. Well, I can tell you it made me all trembly and feverish, too, to hear him, because I begun to get it through my head that he *was* most free – and who was to blame for it? Why, *me*. I couldn't get that out of my conscience, no how nor no way...’ (Bennett, 1974, p. 125).

Huck's erroneous conviction that slavery is morally right and that Jim's escape to freedom would be an immoral violation of his master's property rights is both an emotional and cognitive conviction connected with his upbringing and other socialisation and with socially absorbed reasons and beliefs. He resolves the dilemma he faces by going with his newly-found emotional sympathy for Jim. Surely he is right, but we can see this partly from the perspective given us by the moral development that has taken place since Huck's time. Yet, it was not impossible for him to reflect on the deliverances of his conscience in the light of the sympathetic understanding of Jim's situation and his yearning to be as free as Huck was. In part, I think this was what he did, though he didn't recognise it as such.

So certainly conscience can be in error, and, in some degree this is attributable to the fallibility of human cognitive and conative resources more generally, as well as to our inevitable sociability and our associated degree of dependency on the beliefs and attitudes of our fellows. But the fallibility (and significant social dependence) of, for instance, our personal memory, inferential, testimonial, and perceptual capacities does not invalidate their general reliability nor their significant indispensability. Similarly with our positive emotional and other affective capacities, such as generosity, love, and kindness which occasionally can be damagingly misdirected but nonetheless remain crucial to a flourishing life. So it may be with conscience. And just as we

have capacities for developing and correcting the epistemic and emotional capacities, we have techniques for correcting conscience.

Indeed, another way to see Huck's quandary is to view it as a conflict between an entrenched element in his conscience and an emerging new element that strives to alter his conscience, and alter it dramatically. His emotional attachment to Jim involves moral insight connected with the profound moral emotions of sympathy, love and compassion. Here a comparison with vision is useful. Our vision can be clouded or distorted by what we are habituated to seeing, which is a phenomenon that conjurers rely upon, but such defects are open to correction by experience or instruction. So what Huck's explicit conscience 'sees' may be corrected in part by his experiences of Jim's company and his empathy with his predicament. Or to call on another sensory analogy, the voice of conscience may be similarly corrected as misheard or distorted when the empathic recognitions of Jim's parallel humanity and need for freedom impinge on it. Of course Huck could have persisted in his deluded condition and turned Jim in, but he decided that, after all they have experienced together he could not do it, and must be damned to hell. To the reader, what seems to have won out is Huck's modified conscience, even though Huck believes that he has gone against the call of conscience with which he has long lived.

This description however seems puzzling because Huck's modified or emerging conscience is not something he is conscious of *as conscience* but rather as a temptation against conscience. We are reluctant to admit that someone could be so wrong about what their conscience really dictates or that a genuine conscience could be opaque to its owner. But whatever the flaws in Freud's detailed theorising, his secure legacy is to have made us much more fully aware of the often mysterious depths of our unconscious mental lives. A great deal of what is consciously present in thought, feeling and action can be influenced by elements below the threshold of consciousness that it is understandable to refer to with the terminology primarily at home with conscious mental acts and events. So such language as 'unconscious beliefs' and 'unconscious feelings' is naturally used in some contexts to explain behaviour. It may be that the same can apply to 'conscience' (in spite of some of its etymology being so closely related to 'consciousness'). So the problem for Huck could be put in terms of a clash between his explicit conscience and the urgings of his unconscious conscience, the latter emerging triumphant on this occasion and becoming explicit by book's end. To speak thus is to speak somewhat differently from Huck's creator Mark Twain who described Huck's dilemma as being 'where a sound heart and a deformed conscience come into collision and conscience suffers defeat' (Doyno, 1991, p. 167).

Another literary example that highlights similar complexity and the disturbing play of community values is the plight of the policeman Javert in Victor Hugo's novel *Les Misérables* (Hugo, 1862). A central theme of this vast novel is the redemption of the initially embittered ex-convict Valjean who achieves nobility in adversity while relentlessly pursued by Javert for a minor offence that sends him back to the galleys for life as a repeat offender. Valjean, however, escapes the galleys, and Javert's pursuit resumes. Javert is obsessed with his duty to the law and hunts offenders conscientiously and mercilessly without concern for the fallibility or indeed cruelty of existing laws. But during the 1832 Paris insurrection, Valjean courageously saves Javert's life from the violence of revolutionaries, at the risk, later realised, of being arrested by

him. In the course, however, of taking Valjean to the authorities, Javert is overcome by emotional recognition of his debt of gratitude to Valjean and a half-glimpsed grasp of the latter's moral strength, and releases him to freedom. Distressed, however, at violating what he still sees as his conscience and a life devoted to the duty conscience dictates, he throws himself into the Seine and drowns. For Javert the unconscious stirrings of genuine conscience tragically never emerge to proper awareness.

An illustration of the complexity of conflicted conscience need not be restricted to the fictional world as can be seen in Winston Churchill's commitment to the massive city bombings of Germany during World War II. Facing the real prospect of defeat from Germany in the early years of the war, Churchill felt compelled in the face of Germany's remorseless strategy of bombing British cities to authorise the adoption of that strategy himself as (amongst other objectives) a way of breaking German civilian morale. Combined later with similar US bombing this meant slaughtering of hundreds of thousands of them and rendering millions homeless. But this commitment was made against an awareness that it was in conflict with moral and some legal antecedents, so much so that in 1943 after viewing film of devastating RAF raids upon cities in the Ruhr region Churchill questioned whether he and his team had become "beasts" by pursuing relentlessly what was often called "terror bombing".<sup>13</sup> At other times Churchill gave glib and highly morally insensitive defences of his stance saying "It is absurd to consider morality on this topic... In the last war the bombing of open cities was regarded as forbidden. Now everybody does it as a matter of course. It is simply a matter of fashion changing as she does between long and short skirts for women."<sup>14</sup>

Further fluctuation in Churchill's resort to, or flaunting of, conscience came after the devastating bombing of Dresden in February 1945, when he wrote a memo to the Chiefs of Staff instructing them that 'the moment has come when the question of bombing German cities simply for the sake of increasing terror, though under other pretexts, should be reviewed'. He added that 'the destruction of Dresden remains a serious query against the conduct of Allied bombing... I feel the need for more precise concentration upon military objectives... rather than on mere acts of terror and wanton destruction'.<sup>15</sup>

Yet another indication of Churchill's conflicted conscience regarding the bombing came later still with what Michael Walzer has described as the dishonouring of the Chief of Bomber Command Arthur ("Bomber") Harris that must have had Churchill's approval. To illustrate the dishonouring, Walzer quotes Angus Calder: 'After the strategic air offensive officially ended in mid-April [1945], Bomber Com-

<sup>13</sup> Cited by Christopher C. Harmon in "'Are We Beasts': Churchill and the Moral Question of World War II 'Area Bombing'" in Newport Paper 1, Center for Naval Warfare Studies, Naval War College, Newport, Rhode Island, 1991.

<sup>14</sup> Quoted in Stephen A. Garrett, "Political Leadership and Dirty Hands: Winston Churchill and the City Bombing of Germany" in Cathan J. Nolan (ed.) *Ethics and Statecraft: the Moral Dimension of International Affairs*, Westport CT: Greenwood Press, 1995, pp. 80–81.

<sup>15</sup> The National Archives of the United Kingdom [TNA] PREM 3/12 folio 25, Prime Minister to General Ismay (for Chiefs of Staff Committee) and the Chief of the Air Staff, 28th March 1945.

mand was slighted and snubbed; and Harris, unlike other well-known commanders, was not rewarded with a peerage.’<sup>16</sup>

These several examples can themselves raise the prospect of progress in moral understanding though it sadly does not come to full consciousness in the souls of Huck and Javert, and struggles to emerge fully in the case of Churchill. Moral progress and the associated development of conscience have both an individual aspect and a communal aspect. The social or communal maturing of conscience, as in the huge shift in moral outlooks on the civil and social status of women in many societies today, or the almost universal rejection of racist outlooks that were once quite standard, involve of course the changing, indeed maturing, of individual consciences; moreover the one can occur without or before the other as when individuals move beyond their complacent society’s traditions and moral certainties, witness the development of moral rejections of slavery in the 18th century or similar rejections in the complex origins of the feminist movement. The men and women who initially came to realise the iniquities of slavery and of female subordination had to overcome strong, established social convictions and the pressures for conformity imposed by them in order to have their developed conscientious beliefs and feelings ultimately accepted. One element both in the pressures and the overcoming has been the very depth and strong conviction inherent in the nature of conscience.

The idea of wrongful conscience also raise the question of whether certain strongly held and life directing convictions should really count as verdicts of conscience. In the first instance, there are some such convictions that are oriented in ways that are profoundly evil in style and outcome as to raise the question of whether their agents are acting on conscience whatever they say about it. Those who promoted and implemented the Nazi extermination of Jews and other “degenerates” provide a classic example of this. Milton’s portrayal of Satan’s commitment in Book IV of *Paradise Lost* to the dictum “Evil be though my good” highlights the problem. Where an individual’s conception of good is so profoundly at odds with what is palpably good and drives that person to evil, there is reason to deny the term conscience to their motives and actions. The common complaint “lacking a conscience” can surely be levelled at those who intentionally slaughter innocent people believing themselves justified by ends and beliefs to which they give an undeserved moral flavour and purpose such as advancing racial “purity”. If this is right, then there is a sort of objective constraint on what can subjectively count as act of conscience.

Moreover, something similar obtains at the other end of the scale, so to speak, since powerful commitments to order one’s life or some segment of it around goods that are basically trivial might equally fall outside the ambit of the term conscience. An extreme example might be provided by what psychologists call obsessive compulsive disorder, such as a dominant desire to avoid cracks on pavements, or to wash oneself excessively. To call these things obsessive or neurotic, as psychologists and others do, is not to say that they are not consciously goal-directed so that the agent (or some of them) may regard themselves as pursuing significantly good

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<sup>16</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, 1977, p.324.

ends or avoiding evils. But again, such agents are profoundly wrong about those ends in ways that make an attribution of the operation of conscience mistaken, or at least profoundly misleading, even if the harm they mistakenly do is largely to themselves.

## 5 The Fanaticised Conscience

The very strength, however, of conviction and its connection to the ‘inner voice’ that oversees our behaviour can encourage a distortion of conscience that is different from merely ordinarily mistaken conscience. This is the danger of what I shall call the fanaticised conscience. This can take different forms. One form is self-directed and a second is other-directed, but they spring from a similar source and can overlap in the one agent’s behaviour. Although he doesn’t use the concept of conscience in his comments, Immanuel Kant seem to be discussing the same phenomenon in terms of what he calls the ‘fantastically virtuous’ person. So Kant says: ‘But that human being can be called fantastically virtuous who allows nothing to be morally indifferent and strews all his steps with duties, as with man-traps; it is not indifferent to him whether I eat meat or fish, drink beer or wine, supposing that both agree with me. Fantastic virtue is a concern with petty details which, were it admitted into the doctrine of virtue, would turn the government of virtue into tyranny’ (Kant, 1996, XVII, p. 167).

The fanaticised conscience is related to what has been called ‘moralism’ in some recent philosophical literature,<sup>17</sup> particularly the version called ‘moralism of scope’. It can be displayed in the relentless characterization of morally indifferent actions that Kant stresses, but also in mistakes, accidental oversights, and misunderstandings, where these are wrongly treated by agents as their own intentional, or culpably negligent moral wrongs. The self-directed form is well-captured in the term ‘scrupulosity’ that has had a home in moral theological and casuistical writings, especially related to confession and repentance, for a long time. The scrupulous person, in the self-directed sense of a fanaticised conscience, is obsessed with interpreting their every move as a real or potential violation of a moral rule. A sane or sensible understanding of some moral injunction is overcome by an over-anxious fixation on scrutinising every deed, and possible or proposed action as a moral challenge needing to be dealt with to preserve moral purity, so that the pangs of conscience dominate in a crippling way. The 16th century Jesuit St. Aloysius Gonzaga appears to have been a classic case of such fixations. So concerned with the horrors of sexual sin was he that at the age of 10 he not only made a personal vow of perpetual chastity, but thereafter avoided as much as possible any encounter at all with women, even preferring not to be alone with his own mother.<sup>18</sup> Kant contrasts the state of the fantastically virtuous with that of the ‘tranquil mind’ and the state of moral health that marks the virtuous

<sup>17</sup> See for instance, C. A. J. Coady, *Messy Morality: The Challenge of Politics*, Chaps. 1 and 2, Oxford: Oxford University Press (2008) and C. A. J. Coady (ed.) *What’s Wrong with Moralism?* Malden, Mass: Blackwell (2006), Also, Craig Taylor, *Moralism: A Study of a Vice*, Durham: Acumen Publishing, (2012).

<sup>18</sup> Aloysius’s behaviour is discussed in William James’ *The Varieties of Religious Experience*, (Fontana Library, 1962) pp. 341–345. For the account of the saint’s remarkable behaviour he quotes from Maurice Meschler’s *Life of St. Louis of Gonzaga*.

person, and some aspects of the contrasting troubled mind can echo the disease of obsessive compulsive disorder mentioned earlier. The genesis of a fanaticised conscience can be traced, in religious contexts, to the influence of overwrought fears of damnation, a horror of “the world” seen as wholly a sphere of temptations without offering possibilities for moral growth, and a deep sense of unworthiness, sometimes instilled by religious authorities who have failed to emphasise the merciful aspects of God’s nature present in most theistic religions.

Other-directed fanaticism goes in the opposite direction so that the agent, sometimes with an exaggerated sense of her own moral rectitude, exhibits a stern conviction about the moral failings of others and so condemns their behaviour as morally culpable even though for some cases it isn’t in the moral arena or for others it is there in a minor way but is denounced as involving major vice. To illustrate the former case: I once had a colleague who in departmental meetings would regularly denounce as injustice various decisions that went against his preferred outcomes, and which may indeed have been mistaken but barely touched on the moral arena. He gave every indication of sincerity in detecting this vice so it did not seem to be hypocrisy at work but a fanaticised conscience. The second case of the elevation of minor immoralities into great wrongs is also apparent in Javert’s obsessive pursuit of Valjean and characterisation of him as a supreme villain initially deserving of lengthy imprisonment for the wrong of stealing a loaf of bread, and in later life securing Valjean’s imprisonment for stealing a small coin (admittedly from a child which rightly worried Valjean himself).

One must indeed proceed with caution here since some areas of life understood at one time as not involving morality can come correctly to be seen as significantly moral in view of progress in moral understanding. Certain sorts of sexual jokes or condescending comments directed by men towards women were once viewed by many, especially men, as a normal, harmless part of workplace relations, but a deeper understanding of such behaviour brought to light its moral significance as a contribution to subordinating women and hence part of a pattern of injustice. Harsh corporal punishment of children was once viewed as an everyday matter of control perhaps involving no moral dimension (though some saw it a positive moral requirement for improving the character of the chastised) yet someone then protesting it as cruelty or lack of respect might have been regarded wrongly in the light of what I am calling fanaticised conscience.<sup>19</sup> The fanaticised conscience epithet, as with other terms of criticism, therefore needs circumspect application, though the phenomenon it describes remains real, even if it can be misidentified.

<sup>19</sup> The motto “spare the rod and spoil the child” was often invoked in this connection and given religious weight by a passage in the Biblical book of Proverbs. “He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes.” (King James version, 13.24). It is not altogether clear that this and other common translations get the meaning of this extract right; some scholars, for instance, have argued that the “rod” (a translation of the Hebrew “shebet”) is not a physical weapon but a form of caring guidance to be contrasted with indifferent negligence. The exact form of words in the influential saying seems more directly derived from Samuel Butler’s 17th century satirical poem *Hudibras*. Ironically, it occurs in a passage ridiculing sado-masochism.



## 6 Respect for Conscience and Conscientious Objection

So why should we admire conscience and afford it some significant respect in its various social consequences such as conscientious objection, even where that objection can be troubling? A full discussion of this requires more space than I can devote to it here, but I will indicate briefly the broad lines of an answer. Since the heeding of conscience is a crucial part of what it is to be an adequate human moral agent, and doing what we take (intellectually and emotionally) to be morally wrong is something all of us should have a high stake in avoiding, as witnessed by the ‘pangs of conscience’. Respect for the operation of conscience is thus something we owe ourselves and each other. Such respect might also be anchored to the idea of human dignity, which is often invoked in connection with moral and political freedoms, so that the capacity to discern and conform to what is morally good and reject what is morally bad, and the emotional and voluntary engagement that goes with it, are part and parcel of what should be acknowledged and respected as what counts as constituting the inherent dignity of the human person as well as contributing to any achieved dignity conferred formally or informally by others.<sup>20</sup>

This does not of course mean that we have to agree with the outcome of one another’s conscientious deliberations and verdicts, as we have already discussed. Such disagreement raises the question of toleration and its limits, personal, political and legal, but if our personal integrity and moral decision-making should be respected to a significant degree we have to factor in respect for conscience as an important value. Liberal political culture should make special room for such respect since it is built in part on a concern for freedom of the individual and for a certain regard accorded to different ways of life. Both concerns have their limits since some ways of life are pernicious in whole or in part, witness the Nazi way of life or that of a Mafia ‘family’, and some freedoms may be damaging to the good of others, as seen in the freedom campaigns against vaccination during the height of the Covid pandemic where the countervailing risks of serious or even fatal damage to others from non-vaccination were either ignored, denied, or defended in terms of personal freedom even sometimes sounding an echo of appeal to conscience. The liberal culture’s proclamation of various liberties such as freedom of religion, freedom of speech, and freedom of association, though different freedoms from freedom of conscience, are all related to it. Behind this respect there also lies a certain epistemic caution or humility that can be mistaken for skepticism, but is really quite different from it. This underpins some of J.S. Mill’s arguments for liberty, such as the argument that such respect can make more likely the detection of one’s own mistakes and the deeper understanding even of one’s own epistemically healthy moral and other views (Mill, 1858). All the liberal freedoms can be defended also in terms of their potentially beneficial outcomes for civic harmony and peace, and for various benefits related to moral progress. These outcomes are not guaranteed by such freedoms, but they are generally made more

<sup>20</sup> The concept of such dignity is much debated in the philosophical literature. Suzy Killmister has an excellent discussion of the value and issues surrounding the concept and its ordinary and philosophical employments in her *Contours of Dignity*, Oxford University Press, 2020. There is also a useful discussion of the complex possibilities of understanding the concept in David Kirchoff, “Human Dignity and Human Enhancement: A Multi-Dimensional Approach,” *Bioethics* 2017.

likely by respect for them, and respect for conscience can make a crucial contribution to that probability. That contribution, however, requires more attention to the complexities and ramifications of the concept of conscience than it usually receives.

## 7 Conclusion

This essay has been concerned to chart both the importance and the complexity of a concept that is often invoked in much significant decision making in human affairs, but much less often directly explored in depth. I have examined the roots of the notion in both ancient and modern contexts and found reason to reject certain identifications and oversimplifications that tend to obscure or deny its importance. Many of these concentrate on elements that are indeed often enough involved in conscience but are not separately the whole of it. Some such elements are belief, emotion/feeling, social pressure, religion, and strong conviction.

Another aspect of the idea of conscience that is sometimes overlooked is its link to a person's understanding of self. Some philosophers have thus stressed the concept of a divided self and locate conscience in a context of conflict between the worthy and less worthy selves. This plausible and important idea can be indirectly at work, however, in the thesis that conscience is an entirely negative "voice" forbidding actions (as claimed, for instance, by Socrates). I argue, however, that this negative picture, and the sometimes associated idea that conscience is solely future-facing are surely mistaken. The stress on conflict or contrast within the self can also suggest that conscience is somehow a purely private affair, but this is unsatisfactory since an individual's conscientious actions cannot only have powerful public consequences, but can be directed towards moving others to adopt that individual's conscientious position.

It is frequently and correctly pointed out that conscience is not infallible, but I argue that this is no reason to underestimate its importance since many of our significant epistemic capacities such as memory, perception, testimony and reasoning itself are similarly fallible. Our positive emotional and other affective capacities also, such as generosity, love, and kindness can sometimes be damagingly misdirected but nonetheless remain crucial to a flourishing life. And just as we have capacities for developing and correcting the epistemic and emotional capacities, we have techniques for correcting conscience.

Exploring some of the ways in which consciences can err through immaturity, malign social pressure, or misinformation, also raises questions of the developing conscience and of behaviour that purports or appears to conform to conscience, but is either too morally monstrous or too trivial to deserve the name. Of particular interest, also is what I have called the fanatical conscience in which "the voice" of conscience is brought to bear upon matters beyond its remit either in an individual's self-scrutiny or in judgements upon others. Immanuel Kant is discussing this sort of phenomenon in different terminology when he criticises what he calls the "fantastically virtuous person". Some recent discussions of "the vice" of moralism are also relevant here.

Finally, the essay addresses briefly the relevance of this conceptual journey to the significant but sometimes vexed issue of conscientious objection. Here, it is argued that the heeding of conscience is a vital part of what constitutes an adequate moral life and respect for conscience is related to the idea of a distinctive inherent human

dignity. Together with more prudential considerations, a recognition of such dignity forms part of the underpinning of the commitment of liberal political societies to such liberties as freedom of expression, association and speech, as well as freedom of conscience, though all can give rise to contextual interpretation and qualification when in conflict with other crucial values such as social justice and protection from harm.

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