

Freedom and Conscience

After considering practical questions arising from issues as diverse as contraception and conservation in Part 3, it is clear that none of the normative systems discussed in Part 2 offers clear guidance on how to respond to complex situations. How we make decisions may be informed by insights generated by moral philosophers but, at the end of the day, most people feel that it is their conscience which is most significant in directing their actions.

Nevertheless, what 'conscience' really means and what it may or may not justify is yet another matter for controversy.

Conscience

As Fisher observes:

the Old Testament has no word for 'conscience', but it does speak of the true heart (*lēb*) that interiorizes the divine law ... Some Old Testament figures experience God calling them to live his will or Law; at other times they experience him probing or judging their hearts. The shame of sinful Adam and Eve and the repeated remorse of Israel are amongst many Biblical examples of what was later called a retrospective judgment of conscience ... Jesus built on the idea of the right or pure or single heart that allows a man to judge justly and act authentically.¹

¹ Anthony Fisher OP, 'Conscience in Ethics and the Contemporary Crisis of Authority', in Elio Sgreccia and Jean Laffitte (eds), *Christian Conscience in*

The first translators of the Hebrew Bible introduced the Greek idea of conscience, συνείδησις or *synderesis* into Jewish thought in the third century BC. At that time the word suggested the human faculty of right decision-making; the ability to recognize natural laws and choose to follow them appropriately, possessed by those with *phronesis* (practical wisdom). The translators used the word *synderesis* in both the following passages.

- Job 27.5–6: ‘Until I die I will not put away my integrity from me. I hold fast my righteousness, and will not let it go; my heart does not reproach me for any of my days.’ (ESV)
- Wisdom 17.11–14: ‘For wickedness is a cowardly thing, condemned by its own testimony, distressed by conscience, it has always exaggerated the difficulties. For fear is nothing but a giving up of the help that comes from reason, and hope, defeated by this inward weakness, prefers ignorance of what causes the torment.’ (RSV)

Fisher notes, ‘For Paul conscience is not some special faculty different from the rest of human thinking and choosing, nor is it some secret wisdom given only to a few.’ For Paul conscience is the rational ability to understand what the law, truth, demands of us – which means that we do not need revelation to live a basically good life. Paul used the word *synderesis* some thirty times in his letters, and the word *kardia* (heart) even more often, which seems to have meant much the same thing. In no sense does Paul see conscience as a strange voice in the head or something which would justify individual acts which go against generally accepted moral laws.

Augustine of Hippo wrote that ‘human beings see the moral rules written in the book of light which is called Truth from which all laws are copied’.² Conscience is our ability to put on ‘the mind of Christ’, an ability fostered and refined by the Church

Support of the Right to Life, Vatican City: Libreria Editrice Vaticana, 2008, pp. 37–70.

² Augustine, *De Trinitate*, 14, 15, 21.

which counteracts the tendency for human beings to be weak-minded and in error since the Fall. The Catholic Church understood conscience in this sense in documents such as *Gaudium et spes*, which taught that following conscience must be primary, that following orders is no excuse for suppressing it and that coercion in religion or society is wrong.

It was this sort of conscience that Joseph Ratzinger (b. 1927), now Pope Benedict XVI, referred to in *On Conscience*,³ two essays in which he argued that it must be our primary guide. Cardinal John Henry Newman (1801–90) famously wrote that he would drink to ‘conscience first, and to the Pope afterwards’, but, according to Ratzinger, he did not mean that the two were or are ever in opposition. Rather, for Newman the papacy (and the Catholic Church) is based on and guarantees conscience, the rational exercise of freedom. For Newman conscience represented the sense of personal responsibility human beings have to God. Human beings feel ashamed when they do some things and, by extension, this means that there must be some being or person before whom human beings are ashamed and the faculty of conscience points to the existence of God.

Ratzinger agrees, writing that conscience should appear ‘as a window that makes it possible for man to see the Truth that is common to us all’,⁴ whether that is moral law or God’s basic existence. He sees conscience as obedience to the truth, ‘which must stand higher than any human tribunal or type of personal taste’.⁵ For Ratzinger (and the mainstream Catholic Church) the perception that living by conscience and living according to rational Natural Law (which they see as identical with the authority of the Church) are opposing choices is false. Ratzinger argues that if conscience is simply subjective and demands contradictory things of different people, then following its demands would negate the existence of truth, make choice meaningless and re-

³ Joseph Ratzinger, *On Conscience*, San Francisco: Ignatius Press, 2007.

⁴ Joseph Ratzinger, *Conscience and Truth: Values in a Time of Upheaval*, New York: Crossroad, 2006, p. 79.

⁵ Ratzinger, *On Conscience*, p. 26.

move real freedom. The Church and true conscience both testify to the truth and so underpin all rationality and moral autonomy. Conscience, Aquinas said, is 'reason making right decisions' and there is a need to inform conscience by clear, dispassionate enquiry. Conscience in the Catholic tradition is not an inner voice (like Jiminy Cricket in *Pinocchio*) but acting according to reason which arrives at what is morally good and avoids what is morally wrong.

A similar view was put forward by the Anglican scholar Joseph Butler (1692–1752) who saw conscience as 'the voice of God speaking in us'. However, he did not mean by this that there was an inner voice from God (a position taken by some Protestant theologians), but rather that all human beings have a moral nature which approves or disapproves of actions dependent on whether they conform to natural laws which are apprehended through reason, independently of revelation.⁶ For Butler, conscience, Natural Law and revealed Christianity all point in the same direction: conscience is the voice of reason in moral considerations. The great Islamic philosopher Avicenna⁷ (Ibn Sina, c. 980–1037) also identified conscience with human reason or intelligence, through which God communicates truth to human beings. In the Christian tradition Aquinas developed the distinctive concept of *conscientia*, which he identified as a virtue and the faculty of moral judgement by which people choose to follow moral laws.

⁶ *The Analogy of Religion: Natural and Revealed* (1736), Dissertation 1, 'Of the Nature of Virtue'. Discussed in John Creed and John Smith, *Religious Thought in the Eighteenth Century*, Cambridge: Cambridge University Press, 1934, p. 104.

⁷ Nader El-Bizri, 'Avicenna's De Anima between Aristotle and Husserl', in Anna-Teresa Tymieniecka (ed.), *The Passions of the Soul in the Metamorphosis of Becoming*, Dordrecht: Kluwer Academic Publishers, 2003, pp. 67–89. The Islamic philosopher Al Ghazali (1058–1111) similarly identified conscience with that element in the self which enables moral choice and is capable of standing outside ourselves and making judgements, *Nafs Lawammah* as in Qur'an, Surah 75, verses 2–14. See Sami M. Najm, 'The Place and Function of Doubt in the Philosophies of Descartes and Al-Ghazali', *Philosophy East and West* 16:3–4 (1966), pp. 133–41.

This is very similar to Kant's concept of the 'will' (*Willkür*), the free ability of human beings to understand the law and choose to adopt it as the basis of moral decisions. This was also the understanding of the term which was influenced by Spinoza and influenced Hegel. In the *Metaphysics of Morals*, Kant wrote: 'Conscience is practical reason holding the human being's duty before him for his acquittal or condemnation in every case that comes under the law ... an unavoidable fact.'⁸ Graphically, he goes on to say that 'incorporated into [a human person's] being ... it follows him like a shadow when he plans to escape'.⁹ For Kant everybody has a conscience; they may choose to ignore it, however.¹⁰

An obvious problem with conscience is what to do when it seems to demand that we do something which is not according to moral norms.

In 1963, Karl Rahner SJ (1904–84) argued that people have a duty to follow their conscience, even when it is wrong, although they also have a duty to do everything possible to ensure that it is not.¹¹ This reflects an ancient tradition which suggests that it is possible for a true calling of conscience to go against the norms of the time; even what seems rational. For Bonaventure (1221–74), 'conscience does not command things on its own authority, but commands them as coming from God's authority, like a herald when he proclaims the edict of the king. This is why conscience has binding force ...'.¹²

The idea that a 'knight of faith' may be justified by God in suspending normal ethics was discussed by Søren Kierkegaard in *Fear and Trembling* and by Dietrich Bonhoeffer in *Ethics*, but,

⁸ Immanuel Kant, *The Cambridge Edition of the Works of Immanuel Kant*, trans. and ed. Paul Guyer and Allen W. Wood, Cambridge: Cambridge University Press, 1999, 6:529.

⁹ Kant, *Works*, 6:560.

¹⁰ Kant, *Works*, 6:530.

¹¹ Robert Hodge, 'An Appeal to Conscience', in Karl Rahner (ed.), *Nature and Grace: Dilemmas in the Modern Church*, London: Sheed & Ward, 1963, pp. 49–56.

¹² Bonaventure, II Librum Sentent. 39, a 1, q 3.

importantly, neither suggested that conscience is infallible, that we can be certain about what it demands, that it really justifies an action, or even that it is genuine. For Kierkegaard, human beings are called to act *coram Deo* (before God) and in the knowledge that they may be wrong. Hodge records that for Kierkegaard and Newman ‘conscience directs a man’s gaze towards an authority of law outside of and higher than himself to which he owes obedience. Thus for neither is it a matter of “go as you please”’.¹³ For a believer, the stakes are so high that adopting personal moral responsibility can never be a matter of convenience, easier than the alternative of following rules.

For Dietrich Bonhoeffer, believing that one is acting in ‘good conscience’ and that this automatically justifies an action is but a step away from being evil. Hannah Arendt (1906–75) noted that at the Nuremberg Trials the ex-SS commanders seemed without any guilt; they felt they had been doing the right thing, had easy consciences and never allowed the possibility of error to enter their minds. It is reason that should guide conscience – not an inner feeling of certainty.

People who act on conscience often speak of being easy in their mind, not being tormented by the possibility of error. It was perhaps this point which Cardinal Ratzinger (subsequently Pope Benedict) had in mind when he warned that the papal encyclical *Gaudium et spes* would be misinterpreted and used to justify individuals challenging both the authority of the Church and general moral norms, often acting irrationally, out of selfish desires or from some other external motive. Ratzinger was right about the effect of *Gaudium et spes*; liberal Catholics have seen conscience as grounds to reject church teaching on issues ranging from contraception through to adopting Proportionalism (or Situation Ethics) wholesale, much to the chagrin of conservatives such as Grisez. Ratzinger has subsequently made it clear that faithful Catholics need to inform their conscience through the teaching of the Church: the basis for this is that the Church

¹³ Robert Hodge, *What’s Conscience for?: Personal Responsibility in Relation to Conscience and Authority*, Slough: St Paul’s, 1995, p. 201.

is more likely to arrive at an accurate and rational evaluation of moral dilemmas than individuals who may be motivated by self-interest and may not have a full understanding of the issues.

However, what opponents of Ratzinger’s position might question is whether mainstream Catholic teaching actually does reflect Natural Law. If the Catholic tradition is dominated by authority, culture and custom and does not actually represent the pure, rational position, then it may follow that reason and conscience should stand against it.

Scientific Insights

The psychologist Sigmund Freud (1856–1939) famously argued that the conscience is part of the superego, along with the ‘ego ideal’ or projection of what we would like to become and character traits we deem desirable. He wrote:

The long period of childhood during which the growing human being lives in dependence on his parents leaves behind it a precipitate, which forms within his ego a special agency in which this parental influence is prolonged. It has received the name of ‘super-ego’. The parents’ influence naturally includes not only the personalities of the parents themselves but also the racial, national and family traditions handed on through them, as well as the demands of the immediate social milieu which they represent.¹⁴

For Freud, the conscience is formed when we are punished for certain behaviours, giving us negative associations with them, and it creates a sense of guilt which pulls against our instinctive desires (the id). In healthy people, people with good ego-strength, the ego arbitrates effectively between the superego and the id, ensuring that neither dominates our behaviour. In unbalanced

¹⁴ Sigmund Freud, *An Outline of Psychoanalysis*, London: Hogarth Press, 1949, pp. 3–4.

people, however, one or the other gains control, leading to dysfunctional behaviour. If the superego is in control then people become judgemental and inflexible, guilt-ridden control-freaks.

Freud's ideas influenced the psychologists Jean Piaget (1896–1980) and Lawrence Kohlberg (1927–87). Piaget saw conscience as something that develops gradually as children move from judging actions always in relation to external authority-figures, rules and consequences (the heteronomous stage) to judging actions in relation to motivation and appreciating the value of and need for rules in managing groups of people (the autonomous stage).

Kohlberg refined these ideas further by arguing that children progress through six stages in their journey to acquire a mature conscience:

- 1 fear of punishment;
- 2 desire for reward;
- 3 desire to be liked or admired;
- 4 respect for law and order – seeing the need for and value in rules and order;
- 5 the social contract – seeing the value of rules as dependent on their usefulness to people; that is, having more respect for systems which may be emended or which allow reasonable exceptions;
- 6 universal principles – which may even challenge the prevailing wisdom.

Sociologists have argued that these stages reflect the development of religions or societies, with primitive religions being dominated by talk of hell and heaven, more developed communities playing on people's desire to set an example and support order and mature societies being willing to discuss shades of grey in morality and take the role of the individual and freedom seriously.

Evolutionary theory has always suggested that conscience is developed in order to provide a survival-advantage. Human beings will reason that they have more of a chance of surviving

in a group, on the 'you scratch my back and I will scratch yours' principle, described by Robert Trivers (b. 1943) as 'reciprocal altruism'.¹⁵ Society will only survive if human beings evolve behaviour which leads them to help and trust others. Conscience, therefore, is the feeling that our actions go against our own genetic interests in the long term in the sense that they may undermine others' trust and willingness to do their bit.

Scientific explanations such as these suggest that traditional philosophical and religious theories of conscience are mistaken, that conscience is subjective and fallible and that it limits human freedom rather than increasing it.

Freedom

The whole discussion of ethics in this book depends of human freedom. All moral philosophies are predicated on the belief that human beings are free and can thus be held responsible for their actions. There seems little point in discussing how people should or should not behave if they are truly determined, whether by God, biology, psychology or social factors. It is, perhaps, interesting that in the Bible Jesus was constantly speaking of bringing people to freedom – thus implying that they are not free in the first place.

The theories of Freud, Piaget, Kohlberg and Trivers may contribute to a hard determinism such as that of Ernst Haeckel (1834–1919). Hard determinists argue that human freedom is illusory and that philosophers can describe moral norms, but cannot really prescribe them or argue that people can reasonably be judged by norms into which they have not been trained. Rose West, the British serial killer, might be seen to be responding to her abusive upbringing and lack of emotional maturity and intelligence. Any punishment inflicted on Rose for killing one girl and collaborating in the rape and murder of many more would be

¹⁵ R. L. Trivers, 'The Evolution of Reciprocal Altruism', *Quarterly Review of Biology* 46 (1971), pp. 35–57.

for the purposes of vindicating the law or deterring others rather than because she was really responsible.

Hard determinism is a persuasive position but, if it is true, human freedom is an illusion and discussing ethics is a waste of time since all human actions are determined.

Thomas Hobbes (1588–1679) argued that ‘the liberty of the man ... consisteth in this, that he finds no stop in doing what he has the will, desire; or inclination to do’;¹⁶ he therefore concluded that although what we have the desire or inclination to do is determined by such factors as our background this was not incompatible with freedom. Daniel Dennett (b. 1942) takes a similar soft determinist position, arguing that human beings are free to do what they want to do but what they want to do is determined by their background, genetics and education. He argues that freedom is compatible with determinism.

Incompatibilists argue that in order to be free a person must be an ‘originating cause’ of an action and have entered into it voluntarily. They must originate actions free of external or internal constraint. Incompatibilism is directly linked to the more traditional position of libertarianism, which argues (whether on the basis of God, transcendent rationality, or dualism) that human beings are more than just material and are capable of overcoming influence and acting in a genuinely free manner. Most normative theories assume freedom because without it they are redundant. Kant’s ethic hinges on the issue of freedom, though he acknowledged the difficulty of maintaining this postulate in the face of experience, which suggests that freedom may be radically constrained by past actions and the confusion caused by living in an unjust society. Utilitarianism presumes that people are free to pursue pleasure and avoid pain and that they are capable of making universal rational decisions concerning the greater good, often suppressing immediate desires. John Stuart Mill’s famous *On Liberty* shows freedom to be an integral part of any fulfilled human life, a basic idea he shared with Bentham who saw depriving somebody of liberty as a punishment much worse than death.

¹⁶ Thomas Hobbes, *Leviathan*, Chapter 21.

Nevertheless, just because people want to believe they are free does not mean that they are. Even if they think and feel that they are free, it is possible that they are mistaken. As Spinoza observed:

[T]he infant believes it is by free-will that it seeks the breast; the angry boy believes that by free-will he wishes vengeance; the timid man thinks that it is with free will that he seeks flight ... All believe that they speak of a free command of the mind, whilst, in truth, they have no power to restrain the impulse.¹⁷

Peter Vardy has argued¹⁸ that most people are, indeed, determined – they are like the prisoners in Plato’s cave (see page 3) but, through philosophy and coming to self-understanding, they may be able to come to freedom. Freedom, therefore, is an achievement which few human beings manage to realize.

Moral Luck

A major problem for all systems of normative ethics is the part that luck plays in ethics. Thomas Nagel (b. 1937) argued that most actions are affected by four different kinds of luck:

- 1 resultant luck – the way things turn out;
- 2 circumstantial luck – the peculiarities of the general situation, for example, whether one happens to be born in twentieth-century Germany or nineteenth-century New Zealand;
- 3 constitutive luck – one’s existing character traits and dispositions;
- 4 causal luck – the specific chain of events.¹⁹

¹⁷ Baruch Spinoza, *Ethic: Demonstrated in Geometrical Order and Divided Into Five Parts*, Oxford: Oxford University Press, 1930, p. 111.

¹⁸ Peter Vardy, *What is Truth?*, O-Books, 2005.

¹⁹ Thomas Nagel, *Mortal Questions*, Cambridge: Cambridge University Press, 1979, p. 37.

In spite of these factors, actions continue to be judged on a similar basis, without reference to this complex web of factors. Nagel argued that this was not reasonable and concluded:

I believe that in a sense the problem has no solution ... as the external determinants of what someone has done are gradually exposed, in their effect on consequences, character, and choice itself, it becomes gradually clear ... that nothing remains which can be ascribed to the responsible self, and we are left with nothing but a portion of the larger sequence of events, which can be deplored or celebrated, but not blamed or praised.²⁰

The 2006 film *Babel*²¹ explores this idea, showing how small things can have unimagined and life-changing consequences and how unjust it seems when people are held to account for crimes and consequences which seem at odds with their intentions.

- A Japanese hunter rewards his guide by giving him his rifle, not realizing that the rifle will be sold on and end up in the hands of a child.
- A young Moroccan boy takes his father's new rifle and stupidly shoots at a distant coach, not realizing that it is within range. He wounds an American tourist and starts a chain of events which leads to the deaths of both his father and his brother.
- The Japanese hunter leaves his deaf teenage daughter alone in Tokyo for long periods, not realizing that she is descending into an unstable mess and endangering herself.
- American parents leave their children at home in the care of a Mexican nanny in order to go on a trip to heal their relationship after a miscarriage. Their return is delayed by injury caused by the young boy's shot and the nanny chooses to take the children with her to her son's wedding in Mexico as she cannot find anyone else to look after them. The result is that the nanny gets deported and loses everything.

²⁰ Nagel, *Mortal Questions*, p. 68.

²¹ Directed by Alejandro González Iñárritu.

Moral philosophy has difficulty in responding to scenarios such as this. Judging others is easy, but, if placed in the same circumstances, most people might well have acted in the same way or been forced into situations over which they had no control.

Conclusion

Conscience, in the view of most major philosophers, is directly linked to rationality and what it means to be human – it is not to be thought of as a private source of moral inspiration.

Libertarian freedom is essential for any theory of ethics even though, as Kant recognized, it cannot be proved. If determinists are right and human beings are determined then the most that can be done is to understand the evolutionary forces operating on us but, since human beings are powerless to change, talk of ethics and morality is no longer valid.