

Conscience in Kantian Ethics

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In the introduction to the Cambridge edition of Kant's ethical writings, Allen Wood argues that though Kant's ethics is traditionally considered the definitive example of a deontological or objective ethical system (as is apparent in *The Groundwork for the Metaphysics of Morals*), it actually ends up emphasizing a teleological or subjective system (as is apparent in *The Metaphysics of Morals*).¹ Another way to view this general shift in emphasis is by considering Kant's specific treatment of objective and subjective conditions of morality in his writings. His objective condition, as argued in *The Groundwork*, is the categorical imperative (CI), or the concept of duty, i.e., we ought to act only according to that maxim that we can will to become a universal law.² However, he is not entirely clear and complete in developing his subjective conditions. Generally, the subjective conditions seem to involve feelings or inclinations to act according to the moral law. In this paper I will argue that among the subjective conditions Kant discusses, one stands out as particularly important. This distinctive subjective condition is conscience. Roughly, conscience

¹ Kant xxxiii.

² Kant 73.

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stands as a subjective condition for morality in the same way the CI or duty stands as an objective condition. I will proceed by first discussing Kant's definition of conscience; second, by showing how it applies in a particular case; and third, by explaining how Kant argues for the possibility of conscience.

Kant's first significant treatment of conscience occurs in the second *Critique* (*The Critique of Practical Reason*). It appears in the context of a discussion of free will and determinism. It is well known that one of Kant's primary objectives in his work is to reconcile these two opposing doctrines. Kant here presents an argument for how freedom is possible, and in the process develops his first definition of conscience. In this section of the second *Critique*, he reminds the reader of his argument in the first *Critique* (*The Critique of Pure Reason*) regarding time as a necessary condition for veridical experience.³ The self, as an object of experience, appears only through the pure perception of time. Because of this fact, Kant reasons that the self is necessarily determined as an object of experience.⁴ He writes: "Natural necessity...stands under...the determining grounds of every action of the subject so far lie in what belongs to past time and *is no longer within his control*."⁵ Kant notes, however, that the self can also be thought of as a thing-in-itself, which isn't subject to the pure perception of time.⁶ The self as such cannot be determined by natural laws. By defining the self as a thing-in-itself, Kant shows how freedom is possible despite a deterministic physical world. He concludes that because natural laws cannot determine the self, the only laws that can bind it are moral laws.

Possessing freedom, human beings are able to choose whether or not to act according to moral laws or duties. Freedom allows people to say that they could have acted otherwise when considering the past. Kant now formulates his first idea of conscience. He calls it a "phenomenon of

³ Kant 218.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

character.”⁷ This preliminary definition is at once insightful because it hints at the idea that a person’s character relates to the function of her conscience. Before Kant makes this point, it appears that character relates only to our ability to follow the objective moral law. This phenomenon, Kant says, is given by man to himself, i.e., it is a subjective phenomenon.⁸ Already, it appears that morality is going to consist of more than objective conditions. If conscience relates to moral character, and it is subjective, then morality will involve a subjective condition.

In the next part of Kant’s argument, he reasons that conscience is the faculty that dictates the moral law. As we will see, he further develops this idea in his next exposition of conscience found in the *Metaphysics of Morals*. Freedom, the ground of the moral law, creates the possibility that human beings *could* act according to the moral law. The CI dictates to man what the moral law is. And conscience dictates to man in a specific situation that he *should* act according to the moral law. In effect, it tells a person: “You should do this thing.” In many cases, conscience seems to act in this capacity in a way I will call *ex post facto*. That is, conscience informs an agent after he has acted that he should have done otherwise. Kant argues that no matter how much an agent attempts to rationalize his parting with the moral law, his conscience will speak silently, in the privacy of his own mind, that he did wrong. He observes poignantly that people naturally seek to explain their actions deterministically to escape blame. They fear punishment of the law and so, Kant says, “human being[s] may use what art [they] will to paint some unlawful conduct...as an unintentional fault.”⁹ Kant also notes that such rationalization cannot free the person from the censure she casts upon herself.¹⁰ Even if people succeed in fooling the law to obtain mercy for a wrongful act, they cannot escape from themselves. In an interesting aside, Kant notes that this censure of self is the origin of repen-

⁷ Ibid.

⁸ Ibid.

⁹ Ibid..

¹⁰ Kant 219.

tance.¹¹ Conscience nags to the point that one must try to make things right.

Kant's next definition of conscience is his most complete. In the *Metaphysics of Morals* it is already apparent that Kant shifts his emphasis to a teleological system of morality, thus making his exposition of conscience more pointedly subjective. Kant defines conscience as follows: "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."¹² In other words, conscience presents a person with his duty. Next, Kant reasons that one cannot possibly have a duty to acquire conscience.¹³ If the acquisition of conscience were a duty, then one could inquire to discover a faculty that presented the idea of the duty to acquire conscience in the first place. Inquiries of this sort could go on through an infinite regress of duties and the respective faculties that present them. Kant avoids infinite regress and argues instead that conscience is innate.¹⁴ In his words, conscience is something "incorporated into [man's] being...it follows him like a shadow when he plans to escape."¹⁵ Because conscience is an innate faculty, it exists in the minds of all human beings as an "unavoidable fact."¹⁶ Because conscience is innate, one errs by claiming that a person *has* no conscience. Therefore, instead of claiming that a person has no conscience, one should say that a person gives no *heed* to conscience.¹⁷ Kant catches the subtle difference between not having a conscience and refusing to give heed to it with his use of the term "unconscientiousness."¹⁸ The fact that conscience is innate leads to an important distinction: conscience is necessary in its possession, but not in its application. In other words, though conscience exists in the minds of all,

¹¹ Ibid.

¹² Kant 529.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Kant 560.

¹⁶ Kant 529.

¹⁷ Ibid.

¹⁸ Kant 530.

it does not necessarily lead all to the same conclusions regarding how to act. Conscience dictates subjectively what an individual should do in a specific situation. This statement hints at the parallel between the CI and conscience noted earlier. The CI dictates what is right objectively. Conscience dictates what is right subjectively. Kant also notes that the action of conscience produces a moral feeling, further suggesting its subjectivity.¹⁹ As we will examine shortly, this parallel is especially important in considering paradoxical situations of conflicting duties. We will answer the question of how it is possible to preserve morality in situations where the CI dictates duties that from an objective standpoint must both be followed but practically cannot.

A final note in my treatment of Kant's definition of conscience comes from his discussion of the indirectness of duty.²⁰ Kant argues that sometimes people are mistaken in their objective judgments of duty. Duty (the moral law) is constant and universal, but each individual's judgment of it can vary. Conversely, conscience can never be mistaken. As discussed earlier, it dictates involuntarily what a person should do. In a time of moral decision, a person wrestles with the subjective voice of conscience, not with cold CI's. Hence, duty, or the moral law, applies to man only indirectly because it cannot affect man through any means other than through conscience. If people were never mistaken in their knowledge of the moral law, then conscience could be an objective condition. It would always present one with moral duties. One could say, "Always follow the dictates of conscience, because it infallibly presents the moral law." However, the moral fallibility of man precludes conscience from ever being an objective condition. The involuntary dictates of conscience, together with man's moral fallibility, complicate an individual's pursuit of morality. Kant recognizes the difficulty and suggests two things incumbent upon all who desire to be moral. First, they should "enlighten [their] understanding in the matter of what is or is not duty."²¹ In this

¹⁹ Kant 529.

²⁰ Kant 530.

²¹ *Ibid.*

way they can decrease their moral fallibility. When a person is not enlightened, conscience can potentially present a false duty. Kant argues that in such situation we would not call the agent guilty, even though he did wrong.²² In these types of situations we might say that he didn't know any better. His wrong act would incite more pity than justice. Second, someone desiring to be moral should "cultivate [his] conscience, to sharpen [his] attentiveness to the voice of the inner judge."²³ People may have a perfectly good understanding of duty, but may be too casual in their attention to conscience. Through habit, they may come to ignore conscience in certain situations. If these people truly desire morality, Kant suggests that they need to develop sensitivity to the voice of conscience and act according to it.

In Kant's final discussion of conscience, he uses a vivid metaphor²⁴ to analyze how conscience operates. The metaphor is helpful as a guide to help walk through an example relevant to Kant's definition of conscience. In short, his metaphor describes conscience in judicial terms. Kant portrays conscience itself as a judge, and the course of action it determines as a verdict. He notes that in any decision process, the self is divided into two parts.²⁵ The first is represented by a prosecutor and the second by a legal advisor or defense counsel. The prosecutor represents the moral law as given by the self. The defense counsel is a part of the self that recognizes that though it would be ideal to act according to every CI, it is practically impossible. The court takes place in the mind, and the case is the specific decision to be made. I will use an example I call the "Willie case."²⁶ Obviously, examples can vary almost infinitely in their circumstances. I use an example not to show that Kant's ethics can be practically applied to discover what is right and wrong. I use it hop-

²² Ibid.

²³ Ibid.

²⁴ He has actually already loosely used the metaphor, but he fully develops it in his last treatment of conscience.

²⁵ Kant, see fn. 560.

²⁶ Thanks to K. Codell Carter for the example.

ing to elucidate the role of conscience in Kantian ethics, and how it might potentially operate in a specific case.

The “Willie case” involves a boy named Willie whose father is a blacksmith and a friend to Immanuel Kant. One day, Kant and Willie’s father are visiting in the blacksmith shop when the fire coughs and ignites a barrel of black powder causing an explosion that knocks both the father and Kant unconscious on the floor. Hearing the explosion, Willie rushes to the scene to find the shop in flames. It is apparent to him that he only has enough time to save one man. One decision process goes as follows: Willie’s conscience tells him he should save Kant. Willie follows his conscience and saves Kant. Later on, Willie realizes he should have saved his father and feels terrible for the rest of his life.

In analyzing this case I suggest that Willie has to decide between two competing duties.²⁷ The first duty is gratitude. Kant describes gratitude as the maxim of “honoring a person because of a benefit he has rendered us.”²⁸ Willie has a duty of gratitude toward his father. Whether or not he likes his father, he has benefited much from what his father has given him. In the very least, he owes the benefit of life to his father. The second duty is beneficence. Kant defines beneficence as “the maxim of making others’ happiness one’s end.”²⁹ Assuming Willie knows about Kant’s work and the satisfaction it may bring to many, he has a duty to save Kant. Even if he did not know about Kant’s work, he would still know that Kant probably had a family whose happiness depended on his life.

As noted earlier, from a purely objective standpoint the Willie case is a paradox. If Kantian ethics were strictly deontological, it would have difficulty dictating a moral choice. The moral law dictates that Willie should save both Kant and his father, but practically, he cannot do so. In terms of the metaphor, the prosecution tells Willie he should save both,

²⁷ I should note that a conflict of duties need not only be between two different duties. The same duty applied to different people can constitute the same kind of conflict. For example, Willie could have a duty to beneficence both to Kant and to his father.

²⁸ Kant 573.

²⁹ Kant 571.

while the defense tells him he cannot. The question arises: Does one choice have priority over the other? Because the situation is beyond the scope of objectivity, we must appeal to subjective conditions for morality. Because the situation is subjective, it is conceivable that someone other than Willie might determine a verdict different than Willie's that would still be moral. What is important in this specific case is that the decision is Willie's. *His* morality depends on the outcome. If he has trained his ear to hear the voice of conscience, he will be able to make a moral decision.

To this point in the example, it appears that the analysis of the situation in Kantian terms has been straightforward. Willie's mind is divided between two duties, and conscience will lead him to the moral decision. How Willie finally decides on a moral verdict is less clear. I will attempt to present a solution that remains true to Kant's ethics. My answer relies heavily on the *ex post facto* type of conscience I mentioned earlier. It is important to note that *ex post facto* conscience can change as one continues to cultivate understanding of duty. If Willie decides after the fact that he should have acted otherwise, it will change his feelings of guilt or innocence.³⁰ In the table printed hereafter, I have attempted to show Willie's possible choices and their possible outcomes in terms of Kant's view of conscience. For a complete list of choices, column one would include four verdicts for "Save Dad." The outcomes would be the same, however, so the printed table suffices. To summarize the table, first, Willie's conscience will present him with a verdict involuntarily based on the degree of his understanding of the moral law. Next, he will act. He has three choices: (1) Save Kant, (2) Save Dad, and (3) Run Away. Obviously, (3) is immoral, as Willie would be ignoring CI's altogether, so it need not be considered. Following the action, Willie is left to live his life and think about what he did. In the course of his life, if he is trying to be moral, he is cultivating a better understanding of the moral

³⁰ In no case is Willie ever culpable in the eyes of the law of the land. Either choice will be according to an objective principle, which is the only principle governments can enforce. Any culpability he incurs is inner culpability, or the pain of a disregarded conscience.

law. What his conscience told him at the time of the act may change over time and yield a different verdict later on. As he views his past action from the perspective of the future, he will feel within him the voice of *ex post facto* conscience. Perhaps a clearer term than *ex post facto* conscience is 'regret'. As long as he acts according to his original verdict, he will not feel guilty immediately. However, over time, his understanding may change. He may realize that the first verdict was wrong. If this is the case, he will begin to feel guilty. His guilt won't be as strong as if he had intentionally violated his conscience.

This idea is much simpler than it probably sounds. During the course of life, we learn and come to understand that some things we did in the past might not have been the most moral. Sometimes we regret our actions and wish we could have those days back. Looking back on the past, the guilt we feel is not all-consuming. It is, more accurately, a mild regret that gives us the resolve to change. Because Willie realized later that he should have acted otherwise, the original act was not moral. Again, it was not blatantly immoral as is the case with intentional acts. As discussed before, we would say that Willie just didn't know any better at the time. Not knowing any better did not make the act right; it just made it less immoral than an intentionally immoral act. We might say Willie had a change of heart. Once a change of heart takes place, the amount of time a person lives morally thereafter decreases the feelings of guilt and repentance is easier. For example, in The Church of Jesus Christ of Latter-day Saints, some people who have significant sins in their deep past want to be baptized. In such cases, an ecclesiastical leader assesses the degree and time of change since the offense and provides the person with counsel regarding repentance. When enough time has passed since a sin has taken place, the person is often baptized without a problem. The version of the "Willie case" described above is item 3 from the table. If it was indeed the case that Willie decided to save Kant, but later regretted it, item 3 most correctly describes the morality of the situation. Willie did not act morally, but neither was his action blatantly immoral.

<u>Initial Verdict of Conscience</u>	<u>Action</u>	<u>Ex Post Facto Conscience</u>	<u>Feeling of Culpability</u>	<u>Moral</u> ³¹
1. Save Kant	Save Kant	Save Kant	no	yes
2. Save Kant	Save Dad	Save Dad	yes until morality known	yes
3. Save Kant	Save Kant	Save Dad	no until morality known	no
4. Save Kant	Save Dad	Save Kant	yes	no

The ideal way to act is represented by item 1. Only if Willie had acted according to the original verdict of his conscience, and continued to feel that he made the right choice for the rest of his life, would his decision have been ideally moral. Because conscience dictates involuntarily, we can also say that in his specific situation, Willie could not have been more moral. He was not sufficiently enlightened regarding the moral law. The fact that a person can be unable to be moral given his or her state of knowledge points to the importance of striving for moral progress and repentance. Ignorance of the moral law does not exempt an agent from the demands of justice. The objective, *a priori* nature of the moral law stands regardless of a person's individual understanding. Possibly, then, for Kant ignorance may only be grounds for a lighter course of repentance, after which the agent can strive more seriously to cultivate an understanding of the law and seek to obey it (moral progress).

³¹ Notice that the morality of each act is absolute, i.e., it does not change as the verdicts of conscience may change. Also, in declaring the morality of an act, I have assumed that the verdict of conscience *ex post facto* is aligned with a fully enlightened knowledge of categorical imperatives. Conscience *ex post facto* could conceivably change again.

I realize that item 3 as a description of the “Willie case” contains some problems. One major problem concerns how Willie can discover a duty in the future that would supersede the duties of beneficence and gratitude presented at the time of the situation. Generally, one could say that one has a duty to family, but it could be questioned whether this duty is categorical. The answer to how Willie could act morally in the given situation might not be found entirely in Kant’s discussion of conscience. He discusses other subjective conditions such as moral feeling, love, and respect in the *Metaphysics of Morals* that might clarify some of the confusion.

The description of the Willie case presented above leads to a final insight. This insight concerns Kant’s argument for the possibility of conscience. I described Willie as being minimally immoral. But earlier I noted (see footnote 30) that as far as the law of the land was concerned, Willie is not guilty of anything. Why would he still be immoral? To whom or what is he accountable for his subjective judgments? Kant argues that such a person is accountable to God.³² He continues with the judicial metaphor to make his point clear. Kant calls it absurd to think that a person holds court only with himself, for why would conscience present a contradiction within itself?³³ He reasons that if this were the case, the prosecution would always lose. The prosecution would lose because, unless one acts believing he will be accountable, that person has no motivation to follow the moral law. Conscience would be masochistic—pointlessly torturing people for their wrong acts. Instead, Kant argues that when an individual deliberates, she necessarily thinks of someone other than herself as the judge of her actions.³⁴

On this point, Kant sounds suspiciously Aristotelian, seemingly proposing that the standard of moral action is a moral person. But it does not appear that another person is really a standard. The other person is

³² Kant 561.

³³ Kant 560.

³⁴ *Ibid.*

a judge. Because the person would have to be an ideal judge, Kant calls him God.³⁵ At this point, Kant formulates his final definition of conscience: "Conscience must be thought of as the subjective principle of being accountable to God for all one's deeds."³⁶ Thus, immorality is possible even in situations of subjective judgment because we are accountable to a perfectly moral being, namely, God. This explanation of subjective immorality seems correct, because even God is bound by the rules governing objective morality. Kant's argument presents a challenge to those who attempt to dismiss the moral law by dismissing God. Hedonistic atheists cannot effectively deny the existence of objective morality simply because they don't believe in God. By dismissing God, they merely dismiss the judge of their conscience, and thereby circumvent their ability to make moral progress. Thus, the possibility of conscience being anything but an absurdity necessarily implies the existence of a supreme judge, namely, God.

References

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³⁵ Kant 561.

³⁶ *Ibid.*

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