

The Secularisation of Conscience: A Natural Law Critique

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The modern conception of a ‘secular conscience’ is at one time, both paradoxical and reductive. This phenomenon is attributable to two main factors. In the formal sense, the problem stems from a facile or partial invocation of the term, a result of the fragmentation of its multiple referents. In a substantive sense, the loss of conscience’s explanatory power is a direct result of removing moral structures that underpin traditional formulations of the concept. Historically, conscience has been a necessary component of moral epistemologies. As the innate mechanism for moral discernment, conscience existed as a core part of practical reasoning. In this backdrop, one of secularism’s most profound implications has been to shift conscience’s emphasis away from notions of ‘higher responsibility’ to ‘individual authenticity’. To make sense of this shift, the present article begins by considering the process of ‘secularisation’. Harold Berman defines ‘secularisation’ as the steady displacement of existing normative foundations. The article goes on to trace the etymological development of conscience as a concept and its historical link to moral agency. An examination of traditional normative structures follows, as represented by two seminal accounts of conscience in Western natural law tradition, namely those of Thomas Aquinas and John Calvin. Notwithstanding the variations in emphases due to denominational differences, both these natural law accounts offer a coherent normative outlook, adequate to sustain an integrated concept of conscience. The article ultimately seeks to critique the explanatory potential of modern accounts of conscience by exposing the ontological predicates of secular-rational modalities from the natural law perspective.

INTRODUCTION

The growing secularisation of our political and legal structures has involved the redefining of fundamental moral conceptions. Conscience, traditionally a constitutive aspect of moral theory, has undergone significant modification. Secular legal cultures are increasingly accepting the idea that conscience is simply the projection of one’s subjective desires.¹ As Charles Taylor concludes, conscience is now associated with an individual’s sense of ‘authenticity’ rather than being a matter of moral obligations. In recent years, this movement away from any normative or deontological ontology² is being celebrated as a long-awaited ‘emancipation’.³ Secular conscience thus represents an individual’s right to live according to their subjective beliefs.

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¹ Charles Taylor addresses this phenomenon in his work *The Ethics of Authenticity* (Harvard University Press, 1991) ch 6 titled ‘The Slide to Subjectivism’ where he observes that the notion of self-fulfilment has been elevated to the status of what is morally ideal. I will return to this point later in this article.

² The lack of ontological foundation lends the definition of conscience an appearance of ambiguity.

³ This is predicated on founding liberty of conscience on equality — the right of one individual or group not to be subject to the norms of another. See Martha Nussbaum, *Liberty of Conscience: In Defense of America’s Tradition of Religious Equality* (Basic Books, 2008).

This claim is paradoxical where even proponents of secularisation admit that conscience, by its very definition, must ‘in some way’ be ‘inconvenient’.⁴

Classical conceptions viewed conscience as an innate ability to discern right from wrong through the discomfort one experiences from the ‘guilty pangs of conscience’.⁵ Its nature was limited insofar as it was still a part of fallible human nature. In contrast, the secular ‘autonomy view of conscience’ gives authoritative weight to an erroneous conscience, presupposing the system of norms on which it depends to be itself purely subjective.⁶ Any appeals to a freedom of conscience then, in the absence of an independent moral ontology is, ultimately, self-asserting.⁷ The late Harold Berman explains the contradiction of secularisation in terms of a disconnect of legal structures from their normative foundations which results in what he calls ‘an integrity crisis’.⁸ Given the patent paradox in the case for a secular morality, the present article proposes to examine the implications of Western secularisation on the conceptual integrity of a secular account of conscience, its compatibility with features of natural law, and the explanatory force of any ensuing moral theory.

Part I traces the etymology of conscience followed by an examination of the constitutive place it holds in natural law theory by considering its significance to human moral agency. Part II considers the impacts that the process of secularisation has had on ensuing conceptions of conscience. It considers Berman’s account of rational secularisation, the reticence by proponents of this position to present a case, and the need to examine it in terms of a secular account of conscience. Part III discusses two accounts of conscience within prominent Christian natural law theories. The first as presented by Thomas Aquinas as representational of Thomist natural law theory with an Aristotelian influence and the second as presented by John Calvin which is illustrative of natural law theory in Reformed theology. The two cases, though from different denominational positions, are illustrative case studies for highlighting the variance in explanatory power between classical and secular conceptions of conscience. Part IV will make some concluding observations regarding the connection between secular conceptions of conscience and normative ontology to assess the explanatory potential of any emerging moral theory.

By giving a precise account of the nature and ambit of this concept in Christian natural law thought (no matter the denominational differences) and then comparing it with the predominant secular account, this paper seeks to expose the ontological deficiency of modern usages of the term and goes to briefly highlight some of the necessary implications of such conceptions for the force of any dependent moral theory.

⁴ Paul Strohm in his book titled *A Very Brief Introduction to Conscience* seems to adopt a positive view of conscience’s liberation from institutional religion: Paul Strohm, *Conscience: A Very Short Introduction* (Oxford University Press, 2011) ch 2.

⁵ John Calvin, *Institutes of the Christian Religion*, ed John T McNeill, tr Ford Lewis Battles (Westminster Press, 1960) bk 2 ch 15 s 1, 494–5.

⁶ Christopher Tollefsen, ‘Conscience, Religion and the State’ (2009) 54(1) *American Journal of Jurisprudence* 93 (‘Conscience’).

⁷ *Ibid* 99.

⁸ Harold J Berman, *Faith and Order: The Reconciliation of Law and Religion* (William B Eerdmans, 1993) 1 (‘*Faith and Order*’).

I. CONSCIENCE AND NATURAL LAW CONCEPTIONS

A. Brief Overview

Conscience in Western legal history, as a definitive aspect of natural law theory, owed much of its conceptual development and prominence to Christianity.⁹ Christian theology grappled with the questions of conscience and this is evinced from the earliest writings of the Pauline gospels to Medieval scholarship and Reformation teachings.¹⁰ Though varying in formulation, what these accounts shared was a commitment to conscience's fundamental connection to objective moral principles.¹¹ That is, traditional accounts of conscience were oriented around common questions as to its metaphysical origin and properties, its status as a corpus of moral knowledge, and the ways in which it served to inform moral agency.

Moreover, these conceptions of conscience belonged to secular and spiritual traditions which were both largely compatible with the same normative foundation.¹² As such, even later manifestations like the separation of church and state were merely structural, functional, and jurisdictional.¹³ The division did not represent an entirely different worldview. For example, the 'earthly' kingdom was responsible for political order and justice and the 'spiritual' kingdom was chiefly responsible for faith and morality.¹⁴ In this backdrop, conscience's interpretive role was facilitated by the moral goods which were embedded as part of the broader social and political fabric of Western communities.¹⁵ This framework in turn, proliferated the shared values, reinforcing both the significance and function of conscience in the pursuit of 'the good life'.¹⁶ On this view, conscience was a constitutive component of a near universal morality.

However, recent years have witnessed the steady erosion of these normative foundations as Western structures become increasingly secular, placing primacy on rational utility instead of transcendent values.¹⁷ This move towards secularity has invariably led to the unmooring of structures from their historical foundations.¹⁸ Legal scholars like Berman have bemoaned this unmooring, holding it responsible for the increasing disconnect between law and justice in legal

⁹ William Lyons, 'Conscience: An Essay in Moral Psychology' (2009) 84(4) *Philosophy* 478, 478–82. Note, though it can be said that conceptions of conscience predate Christianity, the classical Greeks in the 5th century BCE make mention of the concept of an innate moral compass within every person. However, it can be plausibly argued that these conceptions were in rudimentary form and owed much to the labours of Apostle Paul, the Church Fathers, and Christian theologians (both Catholic and Protestant) for clarification and elaboration. See also Richard Sorabji, *Moral Conscience Through the Ages: Fifth Century BCE to the Present* (University of Chicago Press, 2018) ('*Moral Conscience Through the Ages*').

¹⁰ Ian Leigh, 'Freedom of Conscience: Assessing the Christian Contribution' in Nicholas Aroney and Ian Leigh (eds), *Christianity and Constitutionalism* (Oxford University Press, 2022) 283 ('Freedom of Conscience').

¹¹ *Ibid.*

¹² Harold J Berman, *Law and Revolution II: The Impact of the Protestant Reformation on the Western Legal Tradition* (Harvard University Press, 2003) 228–9. Berman specifically showcases the mirroring of State norms with those of the Church in the context of the English Revolution 1640–1689.

¹³ Berman, *Faith and Order* (n 8) 46.

¹⁴ *Ibid.*

¹⁵ Tollefsen, 'Conscience' (n 6) 93–5.

¹⁶ See Alisdair MacIntyre, *After Virtue: A Study in Moral Theory* (2nd ed, University of Notre Dame Press, 1984) 19. MacIntyre adds a useful critique to this debate when he argues that the moral discourse in contemporary culture has become fragmented and lacks coherence due to the failure of modern philosophy to offer a satisfactory account of the nature of moral reasoning and the good life. He therefore endeavours to construct a new moral framework based on Aristotelian concepts of virtue and the Thomistic tradition of natural law.

¹⁷ Berman, *Faith and Order* (n 8) 46.

¹⁸ *Ibid.*

education.¹⁹ Furthermore, according to Berman, the onus lies on those who argue for secularity to make the case for the conceptual coherence of the secular normative foundation that undergirds recycled structures. The secularist's reticence to mount the case goes to explain the lack of any sustained philosophical attention to the connection between conscience and its newfound secular basis. However, despite this reticence,²⁰ conscience remains a fixed part of contemporary discourse,²¹ continuing to hold a central place in moral-legal discussions.²²

B. Etymology of Conscience

The concept of conscience has been the source of historic ambiguity, owing to its multiple referents which have been used to describe its various, overlapping functions.²³ This complexity lends itself to a certain appearance of ambiguity. It therefore serves to go over its etymology at the outset. The term 'conscience' first appeared in Latin as *conscientia*, constituted of the prefix *con* (meaning 'with') and the suffix *scientia* (meaning 'knowledge').²⁴ This term connotated knowledge shared with another.²⁵ The emergence of the term coincided with the growing political influence of Rome and was further developed by Catholic Christianity.²⁶ At this point, conscience was defined as a naturally occurring human faculty internal to a moral agent which is nonetheless connected to a source of morality which remains external to that individual, a 'second self' as Augustine described.²⁷ It is this reflexive aspect of conscience²⁸ that has been, in my opinion unfairly, defined as protean.²⁹

Both Christian and classical pagan accounts maintained this reflexive nature of conscience, capturing the iterations between interior knowledge and an exterior one. The classical Greek expression of conscience, *suneidenai*, referred to 'moral knowledge shared with oneself'.³⁰ This expression placed the conceptual focus on moral knowledge on its own terms rather than on the nature of the individual. This is understandable in the broader cultural framework of cosmology and teleology underscoring classical Greek philosophical traditions.³¹

It follows that questions concerning morality were treated as part of an independent body of knowledge. At that time, the chief concern of moral epistemology was the metaphysical

¹⁹ Ibid ch 1.

²⁰ Kimberley Brownley, *Conscience and Conviction: The Case for Civil Disobedience* (Oxford University Press, 2012) 3.

²¹ Leigh, 'Freedom of Conscience' (n 10) 301.

²² Xavier Symons, 'Why Conscience Matters: A Theory of Conscience and its Relevance to Conscientious Objection in Medicine' (2022) 29(1) *Res Publica* 1, 2. As this author describes, 'conscience' possesses a certain moral 'currency'.

²³ C.S. Lewis, *Studies in Words* (Cambridge University Press, 2nd ed, 2013) ch 8. Lewis observes these multiple referents associated with the term 'conscience' in his book. However, in recent years the term has also been conceptually conflated with a notion that is inherently contradictory.

²⁴ Strohm (n 4) ch 1.

²⁵ Constance Youngwon Lee, 'The Spark that Still Shines: John Calvin on Conscience and Natural Law' (2019) 8(3) *Oxford Journal of Law and Religion* 615, 635. That is, 'the knowledge occurs in a relational dichotomy'.

²⁶ Sorabji, *Moral Conscience Through the Ages* (n 9) 90–102.

²⁷ Manfred Svensson, 'Augustine on Moral Conscience' (2013) 54(1) *The Heythrop Journal* 42.

²⁸ David Bosco, 'Conscience as Court and Worm: Calvin and the Three Elements of Conscience' (1986) 14(2) *Journal of Religious Ethics* 336.

²⁹ Leigh, 'Freedom of Conscience' (n 10) 284: 'There is an obvious emphasis on personal responsibility before God for one's beliefs or actions ...'

³⁰ Claude A Pierce, *Conscience in the New Testament: A Study of Syneidesis in the New Testament* (SCM Press, 1955) 60–103. See Sorabji, *Moral Conscience Through the Ages* (n 9) for a thorough exploration of the development of moral conscience over 2,500 years.

³¹ Sorabji, *Moral Conscience Through the Ages* (n 9) ch 1.

questions relating to moral facts.³² The factual status attributed to morality meant that the idea of conscience was concerned, not with the self, but the external source of moral knowledge. Thus, a fundamental aspect of classical Greek accounts was conscience as a vehicle for contemplating moral questions predicated on the notion that the proper ends (*telos*) for humans (with the nature that we have) was the pursuit of moral truths.³³

At this point, it is also worth noting that Reformed theology has been accused of conferring central importance to personal beliefs and autonomy in political contexts through its doctrine of separation of church and state.³⁴ Locke is often associated with placing primacy on freedom of conscience in the defence of toleration as opposed to the protection of religious liberty.³⁵ However, Reformed theology originally placed emphasis on the connection between conscience and moral accountability to the divine in its conceptions of human nature.³⁶ Berman plausibly argues that the duality of spiritual and secular realms, the rise of narratives of individual rights, etc, are embodiments of Western religious foundations in crisis rather than themselves being the foundations thereof.³⁷

From the 17th century onwards, the definition of ‘conscience’ has placed overwhelming and ostensible emphasis on the self — on the subjective agent at the expense of an objective dimension of knowledge.³⁸ The dichotomy between scientific fact and subjective experience has translated to a radical shift in the meaning of conscience so that in modern times, the term has become synonymous with an individual’s psychological state of ‘consciousness’.³⁹

C. Personhood and Moral Agency

Conscience is an essential aspect of the process of moral deliberation in natural law theory.⁴⁰ As the innate mechanism all humans possess that connects us to intrinsic values, conscience holds us accountable to normative standards.⁴¹ As such, conscience is constitutive of natural law theory in this sense in two main ways. First, conscience is the vehicle for epistemological access to the good by making it discernible to us through reason, and second, it renders us moral agents through a hermeneutic role which continually mediates our interpretations of the good by reference to concrete situations.⁴²

Natural law theories, whether thin or thickly conceived,⁴³ are commonly oriented on the idea that human life is directed toward certain intrinsic goods.⁴⁴ These values are intrinsic in the

³² Ibid.

³³ Ibid.

³⁴ Berman, *Faith and Order* (n 8) 46.

³⁵ Sorabji, *Moral Conscience Through the Ages* (n 9) 146–8. Locke’s thought was more complex than is often presented.

³⁶ Leigh, ‘Freedom of Conscience’ (n 10) 284.

³⁷ Berman, *Faith and Order* (n 8) ch 1.

³⁸ Ibid 45–53.

³⁹ Thomas Hill Jr, ‘Four Conceptions of Conscience’ (1998) 40 *Nomos: American Society for Political and Legal Philosophy* 13.

⁴⁰ Jordan J Ballor, ‘Natural Law and Protestantism: A Review Essay’ (2012) 41(2) *Christian Scholar’s Review* 193; Stephen J Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (William B Eerdmans 2006).

⁴¹ Lee (n 25) 633.

⁴² Ibid.

⁴³ Jonathan Crowe and Constance Youngwon Lee, ‘The Natural Law Outlook’ in Jonathan Crowe and Constance Lee (eds), *Research Handbook on Natural Law Theory* (Edward Elgar, 2019) 1.

⁴⁴ Jonathan Crowe, *Natural Law and the Nature of Law* (Cambridge University Press, 2019) 3.

sense that they have fundamental worth in and of themselves and not as instruments to achieving some other ends.⁴⁵ They are also incommensurate in that they are incomparable to other values, and therefore not substitutable.⁴⁶ Though there is variance in the number and source of these goods, there is consensus that these values are objectively good given the nature we have.⁴⁷ Thus, importantly for the purposes of our present discussion, these fundamental values are self-evident and therefore, intuitively discernible to all persons.⁴⁸

By this logic, what we value is constitutive of what we are. There is an inseverable connection between our perception of what is intrinsically valuable and our understanding of ourselves as persons. Natural law also holds that these intrinsic values are self-evidently worthwhile for humans to pursue and that we ought to pursue them.⁴⁹ It follows then that there is a fundamental connection between our human nature and our status as moral agents in natural law.

Not only are humans able to discern what is intrinsically worthwhile but we can and ought to pursue them in reasonable ways. Natural law, therefore, holds that human beings are endowed with the practical rationality that makes it possible for us to engage productively with these intrinsic values. This notion of personhood encapsulates our capability to make value judgements as moral agents.

Thus, as moral agents, humans are capable of making meaningful changes in our lives through enacting rational understandings of the good. Our commitment to these intrinsic values both informs and are informed by our status as moral agents. As such, we have the capacity to continue to revise and reform them through practical reasoning abilities. That is, as moral agents we can further develop our understanding of the moral norms we naturally intuit as well as the quality of our application of this knowledge to concrete situations.⁵⁰

This dynamic process is both *diachronic*, in the sense that it happens over countless reiterations and instantiations over a period, and *holistic*, in the sense that the moral agent engages physical (experiential) wisdom, rational capabilities, and the workings of conscience in the process of making moral decisions. MacIntyre comments on the holistic nature of the moral decision-making process in his practice-oriented view of Aristotle's moral theory.⁵¹ On this view, a moral agent is more than the sum of his/her parts, and a host of integrated abilities aids them in their pursuit of the good. A person's understanding of their role as a moral agent is neither linear nor one-dimensional.⁵² As human persons, we possess a natural understanding of our status as moral agents, but we are also partially constituted by that understanding.

⁴⁵ Finnis examined that species of ethical reasoning that determined the rightness or wrongness of an action by reference to the amount of 'pleasure,' 'satisfaction' or 'happiness' it produced i.e., utility. The author highlights several implications arising from this popular approach. One is to shift the focus from the 'maximand' (the good that ought to be maximized) to the 'maximising itself' (the strategy of optimizing): see John Finnis, *Fundamentals of Ethics* (Georgetown University Press, 1983) ch 4.

⁴⁶ Finnis, *Natural Law and Natural Rights* (Oxford University Press, 2nd ed, 2011) 33.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Cf The Kantian ('categorical imperative') approach which, in substance, posits that certain moral principles have 'automatic reason-giving force': Philippa Foot, 'Morality as a System of Hypothetical Imperatives' (1979) 87(1) *Philosophical Review* 3–22.

⁵⁰ Finnis, *Natural Law and Natural Rights* (n 46) 33.

⁵¹ MacIntyre (n 16).

⁵² Berman, *Faith and Order* (n 8) 6–14.

II. CONSCIENCE IN THE SECULAR AGE

The term ‘secularisation’ refers to a host of dissimilar things.⁵³ Secularisation can be used to refer to the waning of individuals’ commitment to religious beliefs, traditions, and institutions, or the privatisation of religion — that is, the diminished legitimacy of appeals to religious terminology, sources, or reason in public discourse; the transference of divine authority to human institutions; or the process of rationalisation or intellectualisation.⁵⁴ In this article, I adopt the meaning of secularisation as propounded by Berman in his secular-rational model for diagnosing the predicament faced by modern western societies.⁵⁵ The secular-rational model is primarily concerned with secularisation as a collective process of incrementally disposing of the religious elements undergirding the law yet continuing to hold onto old legal structures. It is not, as he observes, the abandoning of a particular theology, but rather, the phenomenon where a society’s normative foundation goes in the opposite direction of the structure upon which it was erected.⁵⁶

In this sense, secularisation describes the historical transformation of intellectual traditions and ideas, a process whereby, over time, concepts are transposed from one context, girded by religious assumptions, norms, and ideals to another: a rational and technological context, which on its face denies the former.⁵⁷ The effect of this collective denial, according to Berman, is that law and other substantive concepts like conscience lose their explanatory value in that they can now only be explained in terms of their instrumental utility, merely ‘as ... conscious means of accomplishing specific political, economic and social policies’.⁵⁸

Berman follows his definition with the claim that a ‘heavy burden of proof’⁵⁹ rests with those who enliven the authority of concepts and argue for their continued structural integrity even after they have been severed from their religious foundations. He observes that modern law is characterised by reference to the two words, secular and rational. In his comments about the phenomenology of secularisation, Karl Lowith proposes that modernity, with its emphasis on naturalism, represents a fundamental break from traditional pre-modern societies characterised by religious worldviews and metaphysical realities.⁶⁰

As both he and Berman observe, the secularisation of society, including the separation of church and state, the decline of religious authority, and the rise of secular political ideologies like liberalism and socialism, are, in part, the result of the historical shift towards a more naturalist understanding of the world.⁶¹ Secularisation (understood as this incremental shift towards a more naturalist understanding of the world) therefore goes to explain secular ontology (or lack thereof) and the implications of dismantling traditional religious foundations.

A. *The False Dichotomy of Naturalism*

The distinction between the normative premises of natural law and a scientific account of naturalism goes to represent the true extent of the chasm between the ontological foundations

⁵³ Ibid 5.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid 46.

⁵⁷ Ibid.

⁵⁸ Ibid 5.

⁵⁹ Ibid.

⁶⁰ Karl Lowith, *Meaning in History* (University of Chicago Press, 1949).

⁶¹ Berman, *Faith and Order* (n 8) 5.

between traditional and secular. Naturalism, frequently confused with natural law, makes certain assumptions about human nature which are predicated on a separation of its phenomenology from its ontology. This dichotomy has important implications for an emerging conception of conscience and moral agency.

Firstly, naturalism holds that human beings are part of the natural world. However, in this claim, they are selective about what features of human life are deemed to be part of naturally occurring phenomena. Second, despite this perceived judiciousness, a naturalist account of human nature presents the dichotomy between natural phenomena and subjective experience in absolute terms. In other words, a dichotomy is arbitrarily drawn between an anthropological account of human nature and its metaphysical characteristics. This dichotomy is falsely presented in disparate terms, and both are wholly subsumed within a descriptive dimension of value.

For instance, certain ‘distinctly’ human archetypes are part of natural phenomena. These phenomena are viewed as arising as a result of our status as subjects rather than agents. Taylor coins this ‘subject-related’ phenomena because, on this account, what is considered real or natural discounts anything relating to human experience, and these only achieve objective value when they are explained by reference to biology, chemistry, or physiology.⁶² It follows that any experience which is not tangible, observable, or measurable is not accepted as part of objective study. Our thoughts, motivations, attitudes, values, and beliefs are considered not part of nature, but part of an ephemeral, value-free world.

This arguably artificial dichotomy between things rooted in nature and things rooted in the human mind means that there is a disjunction between values that exist in the natural world and the meanings that exist in our head. As such, normativity exists only in our heads, objectivity is secondarily and singularly limited to a descriptive space. The clear implication of this false dichotomy is the diminution of our abilities to discern or commit to the intrinsic goods as moral agents. Humans are relegated to the status of subjects and our experiences reduced to subjective projections of our psychological states at any given time. This reductive account of human agency means everything we engage with is confined to an exclusively subjective space.

C.S. Lewis illustrates the connection between objective values and subjective discernment⁶³ in *The Abolition of Man*, where he narrates an analogy of a group’s encounter with natural beauty.⁶⁴ A group of people encounter a waterfall and one of the parties, struck by the scene before him, declares that the waterfall is ‘sublime.’⁶⁵ However, another in the group disagrees and, for whatever reason complains that it is not. Lewis illustrates through the disagreement between the two parties on the aesthetic value of the waterfall that the concept of objective values, like beauty, possesses an inherent worth which stands independent of personal preference or opinion. It follows that the person denying the beauty of the waterfall is not simply expressing a different opinion but is *actually* mistaken in their judgement because they fail to recognise objective value.

A similar hypothesis involves a situation where something terrible happens to a vulnerable member of our society. What reasonable person would witness something bad happen to a child

⁶² C.S. Lewis, *The Abolition of Man* (MacMillan, 1947) 14.

⁶³ Ibid 30. See also C.S. Lewis, ‘The Poison of Subjectivism’ in C.S. Lewis, *The Seeing Eye and Other Selected Essays from Christian Reflections* (Ballantine Books, 1986) 99–112.

⁶⁴ Lewis, *The Abolition of Man* (n 62) 14.

⁶⁵ Ibid.

and fail to conclude that something *factually* wrong had occurred? Taylor claims moral meanings cannot be mere projections of human sentiment onto a morally neutral natural world.⁶⁶ Ultimately, both Taylor and Lewis highlight the dangers of subjectivism by making the point that our subjective experiences must reveal something essential about objective values to be considered valid.

According to secular ontology therefore, moral meanings do not exist as part of a distinctively natural world and are manifest in individual and collective human life. Experiences are never accompanied by an awareness of a specific situation. By breaking the connection between the subjective experiences of the immanent paradigms and the objective reality of the outside world, the naturalist account breaks the connection between ontology and phenomenology.⁶⁷ This arguably false dichotomy serves to conflate individual authenticity with reality.

III. CONSCIENCE AND CULTURE

Secular culture's departure from its rich normative foundation to a false dichotomy in naturalism leads to a conflation of conscience with personal authenticity. This conflation has given rise to a modern (mis)understanding that morality is somehow fundamentally subjective. This subjective frame, in turn, invariably results in a reductive view of moral agency. The connection between the secular conception of conscience and morality is reflected by secular culture's core premise. Here, Blumberg's criticism of Carl Schmidt's thesis that 'all significant concepts of the modern theory of the state are secularised theological concepts'⁶⁸ comes from the position that secular structures are ultimately self-asserting ('Selbstbehauptung').⁶⁹ The self-assertion thesis basically posits that modernity derives its legitimacy chiefly from the premise that it is ontologically self-asserting. This means that secular culture is animated by its own internal principles rather than by any external ideals.

Taylor coined the paradoxical nature of secularism as 'the malaise of modernity.'⁷⁰ Within this culture of malaise, it is the 'immanent frame' which is the central means of understanding the world. This self-contained narrative is what presently imbues our political and social culture.⁷¹ The immanent frame thus represents a prevailing normativity that no longer views transcendence as a necessary or fundamental part of human life. Instead, it views the natural world as a self-sufficient system that can be explained and grasped entirely on its own terms.

This cultural shift has had significant implications for morality and moral agency. The focus on self-assertion finds its locus in individualism, which stands divorced from an independent ontology, thereby collapsing into moral subjectivism.⁷² This subjectivism holds as central individuals' lived experiences as the primary source of meaning and value. A culture where each person is understood as a mere subject without agency ensures that the moral system remains closed and confined exclusively to the selection of subjectively defined values, based on personal preferences.

⁶⁶ Taylor, *The Ethics of Authenticity* (n 1) 21.

⁶⁷ *Ibid* ch 2.

⁶⁸ Carl Schmitt, *Political Theology* (University of Chicago Press, 2005).

⁶⁹ Cf Hans Blumberg, *The Legitimacy of the Modern Age* (MIT Press, 1983) 48.

⁷⁰ Charles Taylor, 'The Malaise of Modernity', *Massey Lectures* (CBC Radio, 11 November 1991).

⁷¹ Charles Taylor, *The Secular Age* (Harvard University Press, 2007) ch 5, 539.

⁷² *Ibid* 508.

In this frame of subjective value, conscience is defined as something experienced as instinctual feeling rather than as a deliberate judgement about basic moral principles applied to specific circumstances. The sense, often uncomfortable, that something one is doing or about to do is wrong and, therefore, worthy of blame is the motivation which inclines people, at least initially, to treat their consciences as authoritative.

And contrary to appearances, secular accounts of conscience are not based on empirical evidence.⁷³ Rather, these accounts of conscience are based on a sociological and psychological ontology and have two main aspects: firstly, the causal explanation of conscience's origins is exclusively relegated to the psychological space as an emotional response to social conditioning. This ontology renders it invariably deterministic in nature. Secondly, conscience is conceived as a reflection of subjective views engendered by our psychological state.

Secular accounts of conscience explain this 'normative' sense by reference to childhood development, the formative conditioning that results in cultural norms being so deeply internalised that we respond to them in a knee-jerk type of reaction. Instead of reasoned decision-making, conscience represents a thoughtless triggered response. The 'voice of conscience' therefore manifests as discomfort, a result of hard-wiring which culminates in 'cognitive dissonance'⁷⁴ when a conflict occurs between what we are doing and the cultural norm that we have internalised.

This discomfort is thus a signal not that an objective moral principle has been threatened or transgressed but merely that we have stepped across a line in our neurological wiring that early influences have internalised. As cultures differ and experiences differ, the variations in our consciences and the normative systems also differ. Even where we find uniformities, we regard them as signs that different cultures still have common social and biological needs and not that we have discovered universal moral truths.⁷⁵ The self-asserting premise thus focuses on the individual, not for its moral agency — to discern and pursue right conduct — but on the individualistic potential to attain personal fulfillment. This shift in emphasis from the objective to the subjective in the conceptualising of conscience has meant a move away from objective norms to subjective standards.

Yet considering the naturalist dichotomy whereby all value is considered subjective, the paradox arises where secular culture continues to contend that following one's conscience is critical to upholding a personal sense of integrity and self-respect. In this case, all other things being equal, people should be encouraged to act conscientiously. However, the ontological basis of a secular account of conscience is mere early social conditioning that affects all future psychology and conduct. By rendering it inwardly deterministic and thus, fundamentally subjective, this type of ontology minimises the role that conscience plays in moral agency.

A. *The Secular Account of Conscience*

The most influential scholar in conceptualising conscience in contemporary times was a psychologist, Sigmund Freud. His account of conscience typifies a secular approach to the concept. Indeed, Freud, by his own admission, mounts his 'hypothesis' of conscience as a

⁷³ Hill (n 39) 22.

⁷⁴ KC Barret, 'A Functionalist Approach to Shame and Guilt' in JP Tangney and K Fisher (eds), *Self-conscious Emotions: The Psychology of Shame, Guilt, Embarrassment, and Pride* (Guilford Press, 1995) 25–63.

⁷⁵ Gilbert Ryle, 'Conscience', *Analysis* 7 (1940) reprinted with other discussions in John Donnelly and Leonard Lyons (eds), *Conscience* (Alba House, 1973) 25–34.

polemic against traditional Christian accounts.⁷⁶ Best illustrated by his seminal tripartite model of the structure of the mind or personality,⁷⁷ most of his direct references to conscience can be found in the *Three Essays on the Theory of Sexuality* (1905),⁷⁸ *The Ego and the Id* (1923),⁷⁹ and his final work, *Civilisation and its Discontents* (1930).⁸⁰

Freud locates all three aspects of ‘conscience’ — the *id*, the *ego*, and the *super-ego* — within the human mind. The *id* is that part of the human mind where our instinctual carnal impulses reside (our biological wiring) which constantly demand satisfaction; the *super-ego* is that part of the mind which forms the internalized system of socially acquired stimuli; and the *ego* denotes that part of the self which has been created by dynamic iterations between the *id* and the *super-ego*. Out of these three, only the *ego* belongs in the conscious, the *id* and *super-ego* are permanently relegated to the unconscious mind. Thus, the *ego* is the mediating facility which ultimately acts to repress any *id* impulses that the *super-ego* deems reprehensible. The *super-ego* functions to inhibit pleasure-seeking drives of the *id* by ensuring that it aligns with the *ego*. According to Freud, conscience (as located in the *ego*) is merely a defence mechanism created by the mind to prevent the tension between the *id* and *super-ego* from becoming too acute.⁸¹

According to Freud, conscience is formed through a process of internalized societal rules and values, as well as the punishments and rewards that come with obedience or defiance. This internalization takes place during what he coins the ‘Oedipal stage of development’,⁸² where the child forms a bond with a parent figure and adopts their moral standards.⁸³ This socially internalized sense of right and wrong becomes the *superego*, which constantly judges our thought and actions. Through this process, the individual comes to possess an inner voice of ‘morality’, one that both guides and restricts behaviour.

IV. CONSCIENCE IN CHRISTIAN NATURAL LAW THOUGHT

By contrast, traditional accounts of conscience illustrate a marked difference in framing, conceptualising it in terms of a transcendent system of values.⁸⁴ In this framing, religious foundations do not allude to a particular theological or denominational school of thought but rather, refer to the level of integration that law has with religion, of morality with justice in an overwhelmingly coherent cultural framework. In this section, we will consider the accounts of

⁷⁶ Sigmund Freud, *The Ego and the Id*, tr Joan Riviere (Hogarth Press, 1927) 44.

⁷⁷ Suffice to say this is a patent misinterpretation at best, and at worst, an intellectual over-reach. Plato divides the soul into ‘rational’ and ‘non-rational’ aspects — the rational parts are human reason and the non-rational parts are the appetite and spirit. This distinction was to explain the sources of motivations that give rise to our moral beliefs. In doing so, Plato uses Socrates as a mouthpiece to allude to what is ‘good’ or ‘wise, brave, temperate and just’ as organisational values for human activity: in *Republic* IV.427e.

⁷⁸ Sigmund Freud, *Three Essays on the Theory of Sexuality*, tr James Strachey (Imago Publishing, 1949).

⁷⁹ Freud, *The Ego and the Id* (n 76).

⁸⁰ Sigmund Freud, *Civilisation and its Discontents*, ed Samuel Moyn, tr James Strachey (W W Norton, 2021).

⁸¹ This paragraph summary of Freud’s account of conscience is derived from Sigmund Freud, *New Introductory Lectures on Psychoanalysis*, tr James Strachey (Penguin Classics, 1973) 93–5.

⁸² Sigmund Freud, *Standard Edition of the Complete Psychological Works of Sigmund Freud*, ed James Strachey and Anna Freud, tr James Strachey (Hogarth Press, 1953–74) 459.

⁸³ ‘As a child grows up, the office of the father is carried on by masters and by others in authority; the power of their injunctions and prohibitions remains vested in the ego-ideal and continues, in the form of conscience, to exercise the censorship of morals’: Freud, *The Ego and the Id* (n 76) 29.

⁸⁴ Lee (n 25) 615–17.

conscience found in the writings of Thomas Aquinas (1225–1274)⁸⁵ and John Calvin (1509–1564)⁸⁶ to showcase this coherence.

Both Aquinas and Calvin were significant contributors to the development of Christian natural law theory at a point in time when the cultural fabric of the West was still significantly integrated. These two theologians, though from different denominational backgrounds, nonetheless advanced accounts of conscience that were informed by an appeal to transcendent standards. Their theological views on important aspects of natural law included an anthropology (human nature), normative bases (eternal and divine laws), and a conception of human moral agency (the doctrine of the *Imago Dei* characterised by the strict separation between descriptive and normative dimensions of morality). Taken together, these views presented the conceptual foundations for successive accounts of natural law. Moreover, both authors understood conscience as being a naturally occurring aspect of human nature in the wider biblical context of human fallibility and its role as an authoritative (albeit imperfect) guide in our sublunary lives.

Conscience, by both accounts, connotated firstly, the moral knowledge that finds its source in the divine, which all humans can know innately. However, they went further. Conscience, in the second sense, not only referred to the set of objective norms known intuitively by the agent but to the act of forming moral judgements.

The difference between the two accounts lies in emphasis. Calvin placed emphasis on the total depravity of human nature and in this context, describes conscience as the ‘spark that still shines’ — a small remnant of the perfect prelapsarian reflection of the divine (*Imago Dei*). Conscience thus serves as a crude compass directing us towards moral laws which takes the form of a castigating pain, an inner monitor, and a courtroom for examining one’s own actions. Aquinas, on the other hand, places greater weight on human development in a context of a fallen and fallible conscience. This emphasis has led to a commitment by the Catholic Church to the task of training conscience on the view that morality is a matter of instilling the correct habits through the lifelong education of conscience.⁸⁷

Suffice to say for now, conscience, according to both Calvinistic and Thomistic accounts, is still subject to multiple referents but overarchingly accountable to a transcendent framework of values.⁸⁸ That is, all senses in which the term is used place the individual under the obligations of an independent moral law. For example, conscience is a divinely implanted faculty by which humans may intuit moral knowledge. Aquinas and Calvin have slightly different ways of formulating and presenting these functions. However, for our present purposes, the emphasis is on the coherence of each account of conscience to be continuous with an integrated normative foundation.

A. Thomas Aquinas on Conscience

Aquinas views conscience in terms of (1) its epistemological potential to be a reliable source of moral knowledge informed by the light of reason and the imprint of the divine image on the

⁸⁵ Anthony J Lisska, *Aquinas’ Theory of Natural Law* (Oxford University Press, 1997); John Finnis, *Aquinas: Moral, Political and Legal Theory* (Oxford University Press, 1998).

⁸⁶ Lee (n 25) 615–40.

⁸⁷ *Catechism of the Catholic Church*, Catholic Church (online, 1993) art 6 [1783]

<https://www.vatican.va/archive/ENG0015/_P60.HTM>.

⁸⁸ Lee (n 25) 638–40.

human soul⁸⁹ and (2) as a faculty for making moral judgements in concrete situations. These two aspects inform Aquinas' account of conscience referred to as *synderesis* and *conscientia*, respectively. *Synderesis* is the innate source of rational goals we are to pursue or an intuitive knowledge of first principles imprinted on human souls.⁹⁰ In the first sense, conscience is not just a subjective sense of right and wrong, but an objective reality rooted in God's eternal law. Moreover, this first aspect of conscience is the means by which one can distinguish good and evil and provides the foundation for moral action. The second aspect is *conscientia*, which refers to the decision-making faculty individuals possess to form judgements on the ground when we apply knowledge of first principles to real cases.

In *Summa Theologica*, Aquinas famously identifies four types of law: eternal, natural, human, and divine. *Eternal law* reflects the timelessness of God and therefore represents the will of God concerning all creation. Eternal law is comprised of both scientific laws, including laws of physics, mathematics, and logic as well as the practical and moral laws that govern human conduct.⁹¹ Aquinas goes on to develop Augustine's theory by dividing *eternal law* into two sub-categories: *divine law* and *natural law*. By *divine law*, he refers to that part of eternal law attained through divine revelation through the Scriptures, which he then differentiates from natural law: the part of eternal law discoverable by human reason alone.⁹² *Human law* is then able to be derived from natural law through the exercise of what he calls practical reason.⁹³

In this scheme, *synderesis* is the inherent desire humans commonly⁹⁴ possess to orient ourselves toward 'good ends'⁹⁵ and shape our human laws, accordingly.⁹⁶ This account is underscored by Aquinas' views on teleology and the *Imago Dei*. Borrowing Aristotle's theory of causality, Aquinas' anthropology emphasises the *telos* of all created beings.⁹⁷ On this point, though there are clear parallels with Calvin's account, the difference is that rather than placing the emphasis on the relational aspect with the divine, Aquinas imports the Aristotelian route of teleology.

Each creature has a *telos* that guides it to its proper ends.⁹⁸ In humans, as created in the image of God (*Imago Dei*), *practical reason* (as imprinted on all human consciences)⁹⁹ leads us to comply with the moral law allowing us to discern right from wrong.¹⁰⁰ Aquinas holds that, as rational creatures, human beings 'participate' with God's eternal laws¹⁰¹ 'in a most excellent

⁸⁹ See Thomas Aquinas, *Summa Theologica*, tr Fathers of the English Dominican Province (Christian Classics, 1948) pt 1 q 79 arts 11–12. For more detailed discussion of Thomas's views, see eg, Robert J Smith, *Conscience and Catholicism: The Nature and Function of Conscience in Contemporary Roman Catholic Moral Theology* (University Press of America 1998) ch1; Douglas Kries, *The Problem of Natural Law* (Lexington 2007) ch 1.

⁹⁰ See Vernon J Bourke, 'The Synderesis Rule and Right Reason' (1983) 66 *The Monist* 1, 71–82.

⁹¹ Jonathan Crowe, *Legal Theory* (Thomson Reuters, 2nd ed, 2013) 26.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ Aquinas (n 89) pt 2(1) q 19 art 5 where Aquinas writes: 'In like manner, to believe in Christ is good in itself, and necessary for salvation: but does not tend thereto, except inasmuch as it is proposed by the reason'.

⁹⁵ *Ibid.*

⁹⁶ May be translated as 'the good ought to be done or pursued, and the evil ought to be avoided'. See Vernon J Bourke, 'The Synderesis Rule and Right Reason' (1983) 66 *The Monist* 1, 74.

⁹⁷ Aquinas (n 89) I-I, 1, q 44 art 4. See for further analysis, CFJ Martin, 'Aristotle and Aquinas on the Teleology of Parts and Wholes' (2004) 27 *Topicos* 6–71.

⁹⁸ Aquinas (n 89) pt I-II, q 91 art 2.

⁹⁹ *Ibid* pt 1 q 79 arts 12–13.

¹⁰⁰ *Ibid* pt I-II q 91 art 2.

¹⁰¹ *Ibid* pt I-II q 91 art 2.

way'.¹⁰² As such, he conceives natural law as encompassing both physical laws and normative rules of human conduct.¹⁰³ By emphasising the 'God-given natural faculty of the human mind',¹⁰⁴ Aquinas strives to demonstrate the intrinsic correlation of natural law (reason) to divine law (revelation).¹⁰⁵

Conscientia then represents the process of instantiation of the moral law. In other words, if *synderesis* is the cognisance of moral law, then *conscientia* is the application of practical reason to moral problems in accordance with first principles. Aquinas' account set out in more detail the instantiating aspect of conscience — the application of practical reason to moral problems where two or more first principles may come into conflict according to a practical reason and a hierarchy of value, which he made sure to underscore with the concept of the 'transcendental good.'¹⁰⁶

The definitive aspects of conscience, in Aquinas' view, encompasses its role as the judgement seat of objective norms, which are binding on an individual's personal autonomy insofar as morality is concerned.¹⁰⁷ In this sense, conscience transcends mere instinct or a mediation between subjective faculties within the moral agent. Rather, it is practical reason working with the first principles it intuits — *synderesis* — to apply objective moral norms to concrete situations — *conscientia*.¹⁰⁸

It is our God-given ability to direct ourselves to our ideal fulfilment (as created beings), to determine for ourselves whether or not to act as we are prescribed. Practical reason is our participation in the eternal law: which necessarily presupposes providence and universality. This is the "participated theonomy" that appears in Calvin's taxonomy by which humans are enabled to become active co-operators with God in shaping our life in accordance with his plan.¹⁰⁹ The reason that the violation of conscience is deemed grave is owing to our human dignity which is derived from the fact we are created in the divine image (per the doctrine of *Imago Dei*).¹¹⁰

By his emphasis on *synderesis* as a distinct metaphysical faculty, an inborn quality in human intellect, Aquinas elegantly reconciled the tension between the agent's autonomy and her answerability to a transcendent source of value, placing the emphasis on the latter without ignoring the former. Parenthetically, Finnis and Grisez later expounded this concept in their revival of natural law theory in the late 20th century. Some questions may legitimately be

¹⁰² '*Hae integritate naturae*': Aquinas (n 89) pt II.II q 26 art 3. See William A Van Roo, *Grace and Original Justice According to St Thomas* (GBP, 1955) 71. See Calvin, *Institutes of the Christian Religion* (n 5) bk I ch 15 s 4, 189–190; John Calvin, *Commentary on Genesis*, tr William Pringle (Calvin Translation Society, 2005) v 26.

¹⁰³ Aquinas' formulation downplays the distinction between conscience and *synderesis*. See, eg, David VanDrunen, *Natural Law and the Two Kingdoms* (William B Eerdmans, 2010) 44.

¹⁰⁴ Berman, *Law and Revolution II* (n 12) 242.

¹⁰⁵ Aquinas (n 89) I-II, q 19 art 5.

¹⁰⁶ Vernon J Bourke, 'The Synderesis Rule and Right Reason' (1983) 66 *The Monist* 1, 73.

¹⁰⁷ Aquinas (n 89) I-I q 79 arts 12–13.

¹⁰⁸ *Ibid* I-II q 91 art 2.

¹⁰⁹ Pope John Paul II, 'Veritatis Splendor' (Encyclical Letter, Dicastery of Communication Vatican, 6 August 1993) [41]

<https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html>.

¹¹⁰ Calvin categorically distinguishes humans from beasts — that unlike any other creature, humans, were created with 'dignity, and subject of rights, beings made in the image of God'. Cf Patrick Lee and Robert P George, 'The Nature and Basis of Human Dignity' (2008) 21(2) *Ratio Juris* 173, 173–93.

raised¹¹¹ as to whether it is possible for Finnis and Grisez to contend that natural law can be a non-theistic venture without exposing Aquinas' ontology to an unavoidable descent to moral relativism.¹¹² Calvin's and Augustine's formulations of conscience avoided this pitfall by emphasising the 'sovereignty of God' and the '*summum bonum*' respectively.¹¹³

B. John Calvin on Conscience

According to Calvin, conscience constitutes the inborn, divinely appointed mediator between humans and God.¹¹⁴ Calvin's references to conscience are mostly contained in the 1559 *Institutes* — in Book Three and Book Four (freedom of conscience through salvation by grace) and Book Four (the binding of conscience through rules and rituals of the Catholic Church).¹¹⁵ These references consistently reinforce his view that conscience is the action-guiding moral knowledge which is a constitutive aspect of human nature. Calvin makes clear here that the pervasiveness of sin and human depravity does not translate to 'obliterat[ing] the rudimentary moral sense in each person'.¹¹⁶

This intrinsic and universal nature of conscience is critical to Calvin's moral theory — acting both as a standard placed in human hearts by God as well as a God-appointed mediator between human beings and the divine law.¹¹⁷ In this construction, Calvin is able to emphasise every individual's accountability to independent normative functions. By extension, Calvin establishes the intrinsic link between natural and civil laws for all regardless of spiritual conversion.

Calvin's anthropology clearly distinguishes between perfect prelapsarian knowledge, and the little insight left in humans after the Fall. Regarding the latter, he categorically states that perfect knowledge of God encapsulates obedience to love God above all else and neighbours as ourselves,¹¹⁸ a reference to the proper order of love in the writings of Augustine. Calvin notes that these ideal ends are set out as precepts of the Decalogue.¹¹⁹ However, the knowledge commonly available to us manifests itself in human nature immanently — 'in that inward law... written, even engraved upon the hearts of all.'¹²⁰ Thus, for Calvin, natural law corresponds to the moral law that humans can know innately apart from God's revealed law in the Scripture. Conscience is thus the mechanism for universal apprehension of the moral law.

¹¹¹ The danger in adopting a plurality of goods in place of a hierarchy of values can be seen in the difference between Finnis and Aquinas (it may be that Finnis may be reticent on Aquinas or departs from him in this respect) resulting in a weak natural law theory. The good of religion possesses a 'radically architectonic status': Germain Grisez, 'Natural Law, God, Religion, and Human Fulfilment' (2001) 46(1) *American Journal of Jurisprudence* 3, 3–36.

¹¹² Germain Grisez, Joseph Boyle and John Finnis, 'Practical Principles, Moral Truth, and the Ultimate Ends' (1987) 32(1) *American Journal of Jurisprudence* 99, 99–151.

¹¹³ John Calvin, 'Commentaries on Romans 2:14–15; Jeremiah 31:33' (Calvin Translation Society, 2005) and Aurelius Augustine, *City of God* (Scribe Publishing, 2019) vol 2 bk 19. See also Anton-Herman Chroust, 'The Fundamental Ideas in St. Augustine's Philosophy of Law' (1973) 18(1) *American Journal of Jurisprudence* 57, 69.

¹¹⁴ Lee (n 25) 633.

¹¹⁵ *Ibid* 634.

¹¹⁶ J Daryl Charles, *Retrieving the Natural Law: A Return to Moral First Things* (William B Eerdmans, 2008) 120.

¹¹⁷ Calvin, *Institutes of the Christian Religion* (n 5) bk 4 ch 10 s 3.

¹¹⁸ *Ibid* bk 4 where Calvin refers to the 'perpetual rule of love.'

¹¹⁹ *Ibid* bk 2 ch 8 s 1.

¹²⁰ *Ibid* bk 2 ch 7 s 1

In this claim, Calvin makes clear that natural reason exists universally apart from supernatural reason (divinely revealed). Each of his constitutive statements remain consistent with his broader relational and soteriological accounts.¹²¹ Sufficient reason remains in humans, though now in postlapsarian fallibility,¹²² to comprise ‘a common light of nature’ that enables us to know right from wrong.¹²³ And though this enlightenment is useless in the perception of spiritual matters, our total blindness does not extend to earthly matters.¹²⁴ The true function of this limited ‘light’ is to allow us to have real knowledge of our own corruption by reference to the perfect law. It is such self-awareness that renders humans inexcusable before divine judgement.¹²⁵

In line with the philosophical tradition that precedes him, Calvin defines conscience by reference to an external source and standard (specifically referring to the sovereignty of God) and not humans, as inherently fallible. It is the gift of *common grace* that makes possible a relationship between God and humankind severed by sin.¹²⁶ As Calvin’s etymology makes this evident, the word *conscientia* derives from the Latin term *scientia* meaning ‘to know’ or ‘knowledge.’ This knowledge is not in relation to another person [-*con*], but *with* God.¹²⁷ In this way, Calvin draws the following associations: where works relate to human beings, the conscience refers to God.¹²⁸ It follows from this lexicology that conscience can be understood as (1) the means or ‘forum’ by which humans obtain a ‘sense of divine judgement’;¹²⁹ (2) the law of God inscribed on human hearts;¹³⁰ and (3) a ‘witness’ to ultimately expose the sins hidden within each individual.¹³¹ This emphasis on conscience’s function as an ‘accuser’ permits Calvin to argue that in spite of the lingering effects of sin, humans retain an *immanent* sense of right and wrong, which ultimately subjects them to a higher law.¹³²

The logical implications of Calvin’s particular construction of conscience are twofold. Firstly, the conscience represents an implanted moral compass, a darkened mirror by which humans ‘can’ and ‘ought’ to perceive God’s existence and laws *naturally*.¹³³ Such natural apprehension of the moral law, revealed universally through laws written upon human hearts, makes *inescapable* moral culpability. Secondly, a conscience that is itself contingent on common grace for its operationality makes God, not only His moral precepts, the ultimate normative

¹²¹ In Calvin’s *Commentary on John*, he observes that ‘the light that enlightens every man’ does not refer only to those born again by the spirit but to the state of all human nature: John Calvin, *Commentary on John* (n 102) ch 1 v 19.

¹²² Calvin makes clear here that the pervasiveness of sin and human depravity does not translate to ‘obliterat[ing] the rudimentary moral sense in each person.’ Calvin, *Institutes of the Christian Religion* (n 5) bk 3 ch 19 s 15, 848. See further, J Daryl Charles, *Retrieving the Natural Law: A Return to Moral First Things* (William B Eerdmans, 2008) 120.

¹²³ John Calvin, *Commentary on John* (Calvin Translation Society, 2007) ch 1 v 19.

¹²⁴ Calvin, *Institutes of the Christian Religion* (n 5) bk 2 ch 2 s 12.

¹²⁵ John Calvin, *Commentary on John* (Calvin Translation Society, 2007) ch 1 v 19.

¹²⁶ Calvin, *Institutes of the Christian Religion* (n 5) bk 1 ch 15 s 2, 184-6.

¹²⁷ Calvin, *Institutes of the Christian Religion* (n 5) bk 2 ch 2 s 12, 270.

¹²⁸ David Bosco, ‘Conscience as Court and Worm: Calvin and the Three Elements of Conscience’ (1986) 14(2) *Journal of Religious Ethics* 333, 336.

¹²⁹ Calvin, *Institutes of the Christian Religion* (n 5) bk 4 ch 10 s 3.

¹³⁰ *Ibid* bk 2 ch 7 s 1.

¹³¹ *Ibid*.

¹³² *Ibid* bk 2 ch 2 s 22. However, Calvin states in the same breath that sin is distinct from ignorance. The sub-title of the section makes this clear: ‘The evidence of God’s will that man possesses makes him inexcusable but procures for him no right knowledge [in relation to eternal salvation].’ See also John Calvin, *John Calvin’s Bible Commentaries on St Paul’s Epistle to the Romans*, tr John King (Jazzybee Verlag, 2012) ch 2 vs 14–15.

¹³³ 1 Corinthians 13:12 (King James Version); Calvin, *Institutes of the Christian Religion* (n 5) bk 3 ch 2 s 20, 565–7.

destination for laws. This means that the destination of natural law is no longer human flourishing or the common good in earthly matters but extends to a higher plane of virtue.

V. MORAL ONTOLOGY AND EXPLANATORY POWER

The ontological significance of traditional conceptions of conscience are found in their connection to transcendent standards of value. The first principle to pursue the good is made possible through two main functions: (1) the capacity to intuit independent moral values and (2) the ability to instantiate this knowledge in a manner that is consistent with the preservation of the good. The explanatory potential of a moral theory depends upon a combination of these factors: on its fundamental ontology (*raison d'être*), the connection to objective value, and the moral agency of individuals to act genuinely in pursuit of a universal good.

Thus, conscience's constitutive status in natural law is due to an integration of these features in an ontology which is predicated upon an orientation towards good and able to connect human natural reason with independently existing norms. Such a conception of conscience's origins makes objective norms intuitively accessible to humans, giving them the status of moral agents. The second feature concerns the ability to instantiate moral knowledge. Conscience facilitates the process of moral agents in reaching authoritative judgements through practical reasoning.

In contrast, the secularisation of our modern Western culture has resulted in both the loss of appreciation of intrinsic values and the erosion of moral agency. Such a fundamental reconceptualization undermines the explanatory power of any emerging moral theory by removing the possibility of appeals to objective sources for decision-making and replacing it with utilitarian principles of value. In this context, the meaning of conscience has radically changed.

The explanatory power of a Christian theory of conscience lies in its ability to provide a coherent and authoritative framework for moral decision-making. By appealing to the divine image, acknowledging human fallibility whilst maintaining a strict separation between descriptive and normative dimensions, Calvin and Aquinas offer a compelling explanation for the role of conscience in shaping moral character and guiding moral action.

First, both Aquinas's and Calvin's accounts of conscience sharply distinguish between the descriptive and normative aspects of their moral theory, acknowledging the role of God's will in determining the moral law while still affirming the importance of human freedom to follow that law. *Akrasia* ('weakness of will', whereby a moral agent acts against their better judgement)¹³⁴ is not overlooked in the assessment by separating conscience into these constitutive parts — first, innate knowledge of moral principles and secondly, the practical act of moral decision-making. Note that both Aquinas's and Calvin's accounts of conscience presuppose human freedom in their ontology. Their accounts consider the possibility of collective pressure or self-interest which may lead to a weakening of the moral agent's will to follow their intuitive knowledge of right and wrong. This ontological construction allows the Christian account of conscience to maintain coherence between its normative aspirations and its descriptive observations about fallible human nature.

In contrast, the proclaimed 'emancipation' of contemporary constructions of conscience from institutional religion not only makes it morally relativistic but ironically, highly deterministic

¹³⁴ Aristotle, *Nicomachean Ethics*, tr Terence Irwin (Hackett, 1985).

in nature.¹³⁵ Such a construction no longer defines conscience in objective terms — as a neutral faculty or source of moral knowledge — but rather, considers it a subjective state of human psychology. This has also invariably shifted the emphasis from truth to transient states of emotional being in matters of moral choice. Any process of ethical deliberation contained solely within the mind of the agent, for the agent, is vulnerable to circularity and fallacy.¹³⁶

CONCLUSION

As Berman noted, historical accounts of conscience were part of a broader philosophical tradition of moral epistemology. The shift in the conceptualisation of conscience has had radical implications — the severing of conscience’s connection to moral knowledge and thus, the sphere of ethical obligations. In fact, conscience in this secular sense has come to represent a person’s psychological state of ‘consciousness.’¹³⁷

The act of ‘un-churching’ conscience has had the effect of viewing humans as individuals and as a collective for objective standards. Conscience in this secular sense has assumed an *almost* entirely descriptive meaning. So then — what are the implications of equating moral knowledge with biological or socialised drives? Reducing conscience to self-awareness of pleasure-seeking instincts limits any moral theory based on the secular account of conscience to, at best, a resolution of cognitive dissonance over biological urges.¹³⁸

This kind of reductionist view of conscience (predicated on naturalist ontology and bleeding into psychoanalysis) begins with the biological, socially conditioned self and ends with the chief matter of importance being the right to self-determination. The ‘voice of conscience’ is nothing more than a discomfort¹³⁹ we feel when a ‘cognitive dissonance’ arises¹⁴⁰ rather than the torture we experience as moral agents when an objective principle has been violated.¹⁴¹ From this viewpoint, the individual’s autonomy assumes paramount importance in a context where the individual’s capacity for moral agency is also pre-determined.

¹³⁵ This is predicated on founding liberty of conscience on equality — the right of one individual or group not to be subject to the norms of another. See Nussbaum (n 3).

¹³⁶ Normative fallacy is what I refer to as a moral theory which aligns its normativity towards something that is morally wrong.

¹³⁷ Freud, *The Ego and the Id* (n 76) 44.

¹³⁸ Immanuel Kant, *The Metaphysics of Morals*, tr Mary Gregor (Cambridge University Press, 1991) 59–60, 197, 23–35.

¹³⁹ Oliver O’Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics* (William B Eerdmans, 1986) 114.

¹⁴⁰ Gilbert Ryle (n 75) 25–34.

¹⁴¹ Calvin, *Institutes of the Christian Religion* (n 5) bk 2 ch 15 s 1:494–5.